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HISTORY
OF
SCOTS AFFAIRS.

THE THIRD VOLUME.

ABERDEEN: PRINTED AT THE CONSTITUTIONAL OFFICE,
BY WILLIAM BENNETT.

HISTORY

OF

FROM M DC XXXVII TO M DC XLI.

BY

PARSON OF ROTHIE MAY.

IN THREE VOLUMES.

VOL. III.

ABERDEEN :

M DCCC XLI.



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P R E F A C E.

WHILE the Second Volume of this work was passing through the press, the Editors had the good fortune to obtain, through the courtesy of the now deceased General Gordon of Cairness and Buthlaw, the manuscript of the Memoirs to which they referred in a prefatory notice, as at one time in the possession of the learned Thomas Ruddiman.⁽¹⁾

This is a well-preserved folio volume of four hundred and sixty-seven closely-written pages, and is undoubtedly autograph of the Parson of Rothiemay. Before it was bound up in its present form, it had consisted of ten *fasciculi*, each containing about twelve sheets. On the margin of the first page of every part, and in one or two places besides, the writer has marked the date when, apparently, he began or resumed his task, which would thus seem to have occupied him, at intervals, from the end of the year 1659 till about the spring of 1661. The first *fasciculus* is inscribed, “(A) Cum bono Deo Dec^{ris} 23 d ♀ H $\frac{1}{2}$ 3 P.M. 1659;” the last, “(K) February 27 ♂ 1661.”⁽²⁾

(1) Preface to the First Volume, p. 26.

(2) The intermediate dates are these: Page 15, “Jan^y 2 ☾ 1660”; page 47, “(B) Jan^y 5 1660”; page 91, “(C) Cum bono Deo Jan^y 24 d ♂ 1660 H 6 P.M.”; page 141, “(D) Febr^y 8 ♄ H 10 A.M.”; page 235, “Cum bono Deo Maij 1st 1660 d ♄”; page 285, “(G) July 2 d ☾ 1660 lib 4”; page 335, “Jan^y 1 ♂ 1661”. page 375, “(I) Jan^y 25 ♀ 1661 lib. 4.”

On the fly-leaf of the first quire the Author has written,

“ O Deus Optume Maxime a TE principium Tibi desinat ”

and beneath this devout aspiration, anticipating Lord Clarendon, he has transcribed, by way of motto, the well-known sentence of Cicero,

“ Historici est ne quid falsi audeat aut ne quid veri non audeat dicere ”

A *fac-simile* of one of the pages⁽¹⁾ of this Manuscript will be found at the end of this notice ; and, in order that the reader may have an opportunity of comparing it with what is certainly known to be the hand-writing of Gordon, a *fac-simile* is also given of a portion of the Discharge of his Marriage Contract,⁽²⁾ a deed which bears to be written by himself.

The Manuscript now recovered removes any doubts that might have existed⁽³⁾ as to the authorship of the notes which are found in The King's College Transcript. These, it now appears, were in all instances written by the annalist himself, although obviously at different times, as the information which they record happened to reach him, or chanced to be recalled to his memory. One class of them there is every reason to think was added at a time when he had before him a Manuscript of Spalding's History of the Troubles and Memorable Transactions in Scotland and England.⁽⁴⁾

(1) Page 292, corresponding with pp. 278—281 of the Second Volume.

(2) Printed at length in the First Volume, Appendix to the Preface, No. II., pp. xlv—xlvii.

(3) See Preface to the First Volume, p. 45.

(4) See vol. i., p. 19, note * : p. 34, note * : p. 61, note * : p. 82, note * : p. 84,

Of the " Arguments," that of the Second Book alone is found in the autograph Manuscript; the others, as the Editors had ventured to conjecture,⁽¹⁾ have been composed by another hand, probably that of the transcriber of The King's College Manuscript, or of the gentleman who superintended that work.

From the *sixty-fifth* page of the Second Volume, downwards, the text has been printed from that of Ruddiman's Manuscript; and there are subjoined to this notice all the Various Readings of any moment which were discovered in collating the preceding portion of the work with that authentic copy. From these it will be seen that Paterson, on the whole, executed his task not unskilfully, although, in a few instances, chiefly in the notes, the Author's somewhat peculiar handwriting had perplexed or misled him. From some cause, which does not appear, at the end of the four hundred and twenty-ninth page of the original Manuscript (corresponding with the conclusion of the first paragraph of the hundred and eighty-sixth page of this volume), he suddenly drops the ancient orthography, which he had hitherto followed rather scrupulously, and not only modernises the spelling, but becomes less careful generally of the correctness of his copy. It may perhaps be conjectured that, weary of the labour or pressed by time, he had availed himself of the assistance of some one to dictate to him.

No trace has been found of the manner in which the autograph

note *; p. 122, note *; vol. ii., p. 210, note *; p. 216, note *; p. 225, note *; p. 226, note *; p. 228, notes * and ‡; p. 233, note *; p. 234, notes * and §; p. 235, note *; p. 238, note *; p. 246, note *; p. 249, note *; p. 254, note *; p. 260, note *; p. 261, note *; p. 262, note *; p. 264, note *; p. 265, note *; p. 267, note *; p. 280, note *; vol. iii. p. 128, note ‡.

(1) Preface to the First Volume, p. 45.

Manuscript came into Ruddiman's hands. It was in his keeping in the year 1753;⁽¹⁾ and within a few years after his death in January 1757, it had passed into the possession of the family of Buthlaw,⁽²⁾ where it has since remained. The volume bears the grammarian's ingenious book-plate,⁽³⁾ and on the first page is inscribed, in his well-known handwriting :

"History of Scots Affairs from the Year 1637 to 1641 in 5 Books, but the 1st wanting, probably never written, being design'd only as an Introduction to the rest

This was written by either (as is supposed) by the famous Robert Gordon of Straloch, or by ——— Gordon Parson of Rothemay."

Although this Manuscript be an original one, another copy must have existed, in the Author's handwriting, if it be held that the "ninety Sheets of Paper, in close and small Write,"⁽⁴⁾ which the

(1) In that year Mr. James Man writes, "as Mr. *James Gordon* parson of *Rothemay* informs us in his MS. history, under the year 1637, which MS. is in *Ruddiman's* possession." A Censure and Examination of Mr. Thomas Ruddiman's philological notes on the works of the great Buchanan, more particularly on the History of Scotland, p. 71. Aberdeen, 1753.

(2) On the first leaf is written "Liber Joannis Gordon de Buthlay advocati, Edinburgi 16 Maij 1761." Mr. Gordon, a skilful antiquary and an accomplished scholar, is known as the author of a learned tract, published at Edinburgh in 1749: "De Nuptiis Roberti Senescalli Scotiae atque Elizabethae Morae Dissertatio." Goodall, who has inserted this treatise in his edition of Fordun, writes of it: "Auctoris nomen non indicabat editio: virum eruditissimum fuisse res ipsa clamabat: et quidem non alium quam Joannem Gordonium Advocatum esse, compertum est: quod etiam rarum ingenii acumen, juris utriusque peritia penitissima, et pressa argumenti tractatio, quae usquequaque occurrunt, vel nobis tacentibus, satis fere declarassent." (Joannis de Fordun Scotichronicon, vol. i., praef., p. v., Edinb. 1759.) An English translation of Mr. Gordon's Dissertation is included in a volume entitled "Scotia Rediviva: A Collection of Tracts illustrative of the History and Antiquities of Scotland. vol. i. Edinb. 1826." 8vo.

(3) See Chalmers' Life of Ruddiman, advert. and p. 467. Lond. 1794. 8vo.

(4) History of the Illustrions Family of Gordon, vol. i., Introduction, p. xxvii.

Historian of the Gordons saw in 1726, and which in 1780 seem to have been in the possession of the Laird of Techmuiry,⁽¹⁾ were autograph of Gordon. The Parson of Rothimay may have inherited a habit, which we know to have been his father's, of multiplying copies of his own writings.

Since the publication of the First Volume, access has been obtained to the Register of the Provincial Assembly or Synod of Murray, from which the passages which follow, containing every notice of the Author, of any interest, have been transcribed.

27 October, 1640. "Anent the reference frome the Presbiterie of Strathbogie, concerning the plantatiounne off the kirk of Rothimay: Their having come to them a presentatiounne frome the factors of the Laird of Rothimay, in his absence, being out of the cuntrie, in favours off Mr. James Gordoune, sonne to Mr. Robert Gordoune of Petlurge; And the said Presbiterie hawing nominat Mr. William Milne, minister at Glasse, to be admitted to the said kirk, be reasone off a former richt of patronage belonging to the lait Bishop of Murray, now dewolved in thair power; As lykways the Assemblie hawing receaved ane earnest supplicatiounne frome the parochiners of Rothimay, subseryved with a considerable number off the said parochine, in favours off Mr. Alexander Innes, thair lait minister, earnestlie desyring that he might be reponed againe to his owne place, to serve in Gods vyneyeard among them: The Assemblie, after mature deliberatiounne, finding some weightie difficulties in the said plantatiounne, haive referred and continewed the same to the nixt Subsynod, to be holden at Elgine the twenty-first of Januarij nixt to come; And in the mean tyme ordaines the Presbiterie to surceasse frome any proceeding in the tryall of any, till the said Subsynod."

21 January, 1641. "Refer anent the plantatiounne of Rothimay. Mr. James Gordoune, sonne to Mr. Robert Gordoune of Petlurge, expectant, hawing petitioned the Subsynod for libertie to be hard in his tryalls befor the Presbiterie of Strathbogie, and that the said Presbiterie wold, after tryall, goe on to his admisiounne, he is referred back to the said Presbiterie, and they ordained to put him presentlie to his tryalls; he tacking his presentatiounne to the kirk off Rothimay onlie frome the said Presbiterie, and disclameing all uther presentatiounes frome any pretendit patrone whatsoever, and they to doe heirin as they will be comptable to the nixt Assemblie."

(1) Preface to the First Volume, p. 28.

2 May, 1641. "The visitors off the book of Strathbogie reports, That their ar some additiones maid, without exercise; that they have had but one commone head since the last Synod: Quhairin the brethren excused themselves, be reasone off the winter seaseone, and the long tyme tacken up in the tryall off Mr. James Gordoune, present minister at Rothimay: They exhorted to amend, and to be moir carefull in keiping their meittings, and hawing their exercise and additions."

The Register of the Synod from April 1644 to April 1646 has not been preserved.

6 April, 1647. "Presbyterie of Strathbogie. Mr. Alexander Fraser, moderator, by oathe declared he knew nothing of Mr. Robert Jamiesones compliance, nor meiting with the Marqueis of Huntlye, excommunicat, neither subscryving bandis, receiving protectione, nor communing with any excommunicat persones, nor of the Marqueis nor his sonne thair being in his hous: And, in like maner, testified als much of Mr. Robert Watsone, Mr. George Meldrum, and Mr. George Chalmer; except he could not say bot when the Laird of Innermarkie was in the bounds, the said Mr. George Meldrum was in his hous, and the said Mr. George Chalmer lived in the hous of Lesmoir when Lewes Gordon possessed it. Declared also, that Mr. James Gordoune, minister at Kinnoir, frequented the Marqueis of Huntlyes companie since the last Assemblie, and, in particular, at Fastins Even last, he went in commissioun with Mr. William Forbes, minister at Mortulache, from Lewes Gordoune to the said Marqueis his father, to treat for agriement betwixt them. He declared he knew nothing of Mr. James Gordoune, minister at Rothimay, in the saids particulars.....The rest of the brethren of that Presbyterie (except Mr. Robert Jamieson and Mr. Robert Watson) *apud acta* cited to compeir before the Commissione of the Kirk, at Aberdeine, the second Wednesday of Majj nixt, and Mr. Alexander Fraser, moderator, to take charges, under the clark of the Assemblies hands, for summonding the two Mr. James Gordounes, now absent, to compeir befor that venerable judicatorie, tyme and place forsaide. The compliers and malignants, in present rebellione, within the Presbytrie of Strathbogie, ar referred to the Venerable Commissione of the Kirk of Scotland, that they may tak course with them."

At a meeting of the Synod on the second of April, 1650. a "Provincial Visitation" was ordained, and a committee of four and twenty ministers and seventeen elders was appointed for that purpose, "with full Synodical powers." The Parson of Rothiemay was

one of the ministers, and the Laird of Rothiemay one of the elders in this commission. It met at Keith on the twenty-first of May.

21 May, 1650. "Visitation of the Kirk of Rothemay, quhairat Mr. James Gordoun is minister.

"The visitors of the sessione book reported they found severall informalities and improper expressiones in the book. The Commissione ordaines these informalities to be insert in the said book, under the clerks hand of this Commissione, that they may be amended heirafter. Names of the elders quho wer present, George Abernethie of Claymyres; John Largue in Lusset; Hendrie Sharpe in Torterie; Robert Sharpe in Corsekellie.

"Mr. James Gordoun being removed, and the elders being sworne to declaire faithfullie quhat they knew of him, and being asked particularlie anent him of his diligence in his ministrie, honestie of his private conversatione, his affectione to the cause and work of reformatione, cair in punishing vices of all sortes, his earriage in his familie, *etc.*, reported weill of him in all these.

"The brethren of the Presbyterie of Strabogie being sworne *ut supra*, and the rest being removed, Mr. Robert Jamiesone being asked *ut supra*, declaired *ut supra*; also William Gordoun of Newmill, also Mr. Johne Ridfoord, and the rest of the brethren of that Presbyterie being severallie asked *ut supra*, all gave him a good testimonie.

"They being all removed, the Commissione haveing weighed all these things, Ordaines Mr. James Gordoun to be gravelie admonished for the informalities and improper expressiones in the sessione book, and for his not sufficientlie grave earriage in heareing these things remarked be the Commissione; and to be exhorted to be zealouslie forward in the cause and work of reformatione, and to attend his charge diligentlie: Quhilk, he being called in, was done be the moderator."

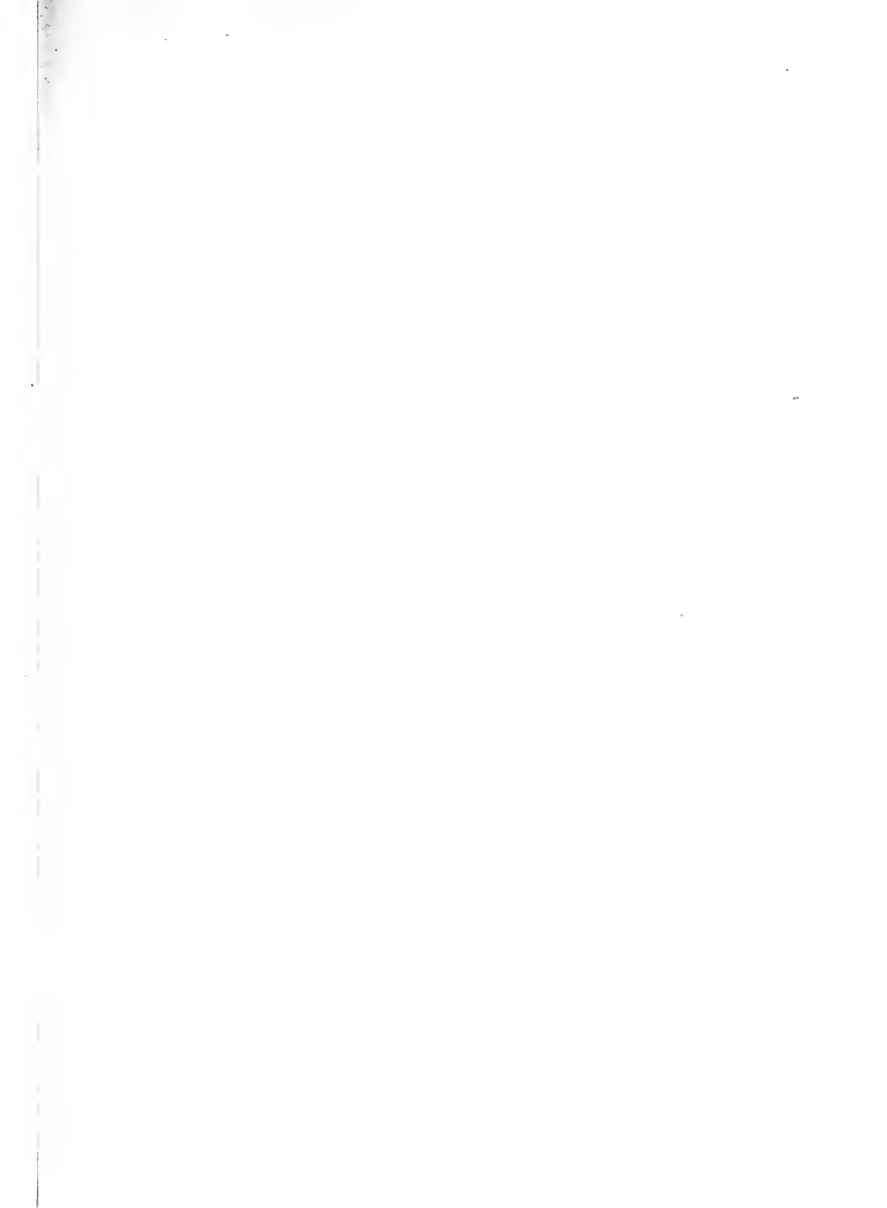
The Provincial Synod of Murray met at Elgin in the autumn, when the Author's impatience of "the exercise of discipline" again subjected him to remark:

1 October, 1650. "Mr. James Gordoun, now absent, and severall things being spoken of him, declairing, in some particulares, the exercise of discipline to have been slighted by him, the Assemblie ordaines him, for these and for his absence from this Assemblie, to be summoned to the meiting of the Commissione at Elgin, the first Tuesday of November; and gives power to the said Commissione, after tryell had of these things, to proceed to censure, as they find him guiltie."

5 November, 1650. " Concerning the refer anent Mr. James Gordoun, for his absence from the last Synode, and for the things that wer reported of him, quhilk did import a slighting of the due executione of discipline be him, in some particulars: The said Mr. James compeireing, answered for his absence from the Synode, that he was attending the Laird of Rothemay, his brother-in-law and parochiner, upon his earnest desire, being then in extremitie of sicknes, and in all appearance unto death; quhilk also he did signifie be letter to the Synode. The Commissione, considering that the other particulars reported of the said Mr. James cannot be cleared but at a visitatione of his kirk, did thairfoire ordaine the Presbyterie to keip a visitatione of his kirk, and prepar things against the nixt dyet of the Commissione; and to bring thair Presbyterie book to the said dyet, to be made use of in things that may be cleared from it."

1 January, 1651. " Anent Mr. James Gordoun. The Presbyterie of Strabogie haveing made report of their diligence done anent him at the visitatione of his kirk. The Commissione finds many of the things reported of him to have been groundlesse, yit they find of him: first, That he hath bein somequhat slow in a processe against Johnne Fordice wiffe, for popperie, and not keeping the kirk: second, That he hath slighted over Rothemayes satisfactioun for two casuall slaughters: third, That he too rashlie subscribed a testimoniall to George Gordoun of Colithie, as Moderator of the Presbyterie, before he had consulted the rest of the brethren. The Commissione, taking these things to consideratione, did ordaine him to be sharplie rebuked for them, and admonished to walk more exactlie in a conscionable dischaige of his calling: Quhilk (he being called in) was done be the Moderator in name of the Commissione; the quhilk sentence Mr. James accepted humbly, with expressiounes of sense and feiling, to the satisfactioun of all the members of the Commissione."

It does not appear that the Parson of Rothiemay gave the Synod any farther cause to censure him.



Notes et figures

John Montfort's report

Reverend the Synodical Court

& his master's presence

him to assist in time &

which you will be happy to

of Synodical Court for

affairs he referred to it

now we are in the midst of

upon it first and then on

of the work & to suggest

them plans of work for the

it was better to consider

his matter & to say for

& many thanks to the

man presenting it and your

to be satisfied it was no

sympathy to do but ways

the energy of the day

document & to say the

the people to say the

the whole of the day

and to say the day

the people to say the

the people to say the

the people to say the

Notes et figures

The Master of the Synodical Court

was but not upon the matter

The Synodical Court

to say the day

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VARIOUS READINGS.

VOL. I.

		<i>The King's College Transcript.</i>	<i>The Author's Manuscript.</i>
Page	4 line	20 their severall pulpits	thes severall pulpitts
	5	25 permission	concession
	5 note *	line 1 Mr. Andrew Lamb	one Mr. Andrew Lamb
	6 line	35 the places	thes places
	8	9 a loft	or loft
	11	20 to profane	for to prophane
	15	3 with all	withall
	17	13 the ministers	ther ministers
	18	14 the severall	ther severall
	20	10 the counsell	his counsell
	20	19 The proclamatione	That proclamatione
	23	10 telling then anew	telling anew
	23	11 exhibited to them. A little waye	exhibited to them, a little waye
		was made at first; but	was made at first. But
	25	35 and Burgesses, spacke	and Burgesses, and subserved with many handes, spacke
	27	24 the delegates	ther delegates
	32	24 befor hande	befor the hande
	33	16 to countenance	for to countenance
	35	34 thir innovations	thes innovations
	36	13 the materialls wer	the materialls of it wer
	36 note *	line 1 the first protestatione	ther first protestatione
	37 line	4 not a little by	not a little encouraged by
	37	32 thir thinges	thes things
	38	20 unhearde of government	unhearde of forme of government
	39	33 a generall confessione	generall confessione
	42	1 exacting and requyring	exacting or requyring
	42	19 who, with his detestationes and abrenunciaciones, did so amaze	who, with his renounce and ab- horre, his detestationes and ab- renunciaciones, he did so amaze
	42	24 <i>After</i> this mandate. <i>add</i>	* Heer insert the Covenant itself. Heer insert lyckewayes, befor the Covenant, the judgement of Joseph Hall, bishop of Exeter and Norwiche.

The King's College Transcript.


Page 44 line 21 *After Mr. Thomas Abernethye
add*

44 32 *et seq.* He was in armes, as a souldiour at the Bridg of Dee, and gloryd of a shot in his [] in Aberdeen [] at Rothemay of a perturbulent gentleman. Thomas Abernethy was bredd fifteen yeares in a seminary abroad, sent to Cattnesse [] as chamberlan; but in ende, begetting a maid ther with chylde, was deposed by his superiours and deserted them, who wolde [] him no longer This I had from Sir J. []

45 4 and all that tyme
47 32 for the maine
47 36 men of the partye, who befor wer practiched upon, or
49 8 for to pay off his debt
49 13 shortly by them
51 20 was denyd
52 3 the same gentlemen
52 8 against it.

53 14 or delegate
53 16 a president
54 37 courses. Yet such a band
55 19 could ansuer
56 14 with threatnings, tearing of clothes,
59 32 he placed
61 7 beganne, I saye,
62 10 for Marquesse Hamiltons in Cliddsdale
62 26 one way or other
63 1 to give a cheke
63 36 whersoever

The Author's Manuscript.

 Abernethy his conversion and declaration and revelation of popish plots is in print.

He was in armes, as a souldiour, at the bridg of Dee, and gloryd of a shott on his jackke in Aberdeen after it..... so he borne at Rothemay of a perturbulent gentleman J. Abernethy was bredd fifteen yeares in a seminarye abroad, sent to Cattnesse, served Lord Berridale as chamberlan, in ende begetting a maid ther with chylde, was deposed by his superiours and deserted them, quho wolde oune him no longer. This I had from Mr. J. Smart his cosen *etcet.*

as that tyme
for the mater
men partye, who befor wer practicked, or
for to pay off his creditors shortly after by them
is denyd
ther, some gentlemen
against them. Mr. John Diodati his wrytting was as followethie *viz.*

or his delegate
the president
courses: That such a band wold ansuer
with threatnings, beatings, tearing of clothes,
that he placed
, I saye, beganne
for Marques Hamiltons followers in Cliddsdale
one way nor other
for to give a cheke
whensoever

<i>The King's College Transcript.</i>			<i>The Author's Manuscript.</i>		
Page 64	line 18	wherof the substance		wherof the substance was	
66	22	conveyd thither		conveyd in thither	
67	16	to be kept		be kept	
67	22	ther comissioner		ther comissioners	
67	27	the citezens		ther citizens	
68	21	at this tyme		at that tyme	
71	21	relligione, the lawes		relligione, lawes	
73	5	the courtes		thes courtes	
73	21	reserved		restored	
79	13	authoriye; that		authoriye; but on the contrarye	
				that	
82	23	ther doubtēs		thes doubtēs	
82 note *	line 4	joynd in Covenant		joynd in an Covenant	
84 note *	line 1	Dr. William Jonston, professor		Dr. William Jonston, medicener,	
				professor	
86 line	36	Parliament		Parliaments	
88	19	they went south		went south	
89	8	the three ministers		thes three ministers	
93	4	for them as yet		as yet for them	
93	13	the conscience		that conscience	
94	28	consequences		consequences, <i>etct.</i>	
95	19	this booke		that booke	
101	33	bring in all		bring all	
102	3	by a pluraliye of votes		by pluraliye of votes	
102	9	no intention		no resolution	
104	5	nobleman		noblemen	
104	14	ther offices		ther office	
104	31	the comissioner		ther comissioners	
105	5	libertye		lybertyes	
106	2	in this waye		thus way	
107	11	such at least		such of them at least	
109	10	wer professed Covenanters		professed Covenanters	
109	15	the Kings advocate		Kings advocate	
112	2	a long		of a long	
112	19	depth of thinges		the depth of thinges	
113	5	the supplications		ther supplications	
113	21	the Covenant		ther Covenant	
113	37	ther posteritye		the posteritye	
114	3	marche stones		marche stone	
114	25	ther byble		the byble	
115	14	his spiritt		the spirite	
116	23	It was popery		It is popery	
117	6	it is shame		it is ther shame	

<i>The King's College Transcript.</i>		<i>The Author's Manuscript.</i>
Page 117	line 21	they being praeliminters, not free
120	1	by any meanes
120	35	so earnest
122	8	subscribe at the sessione house.
122	17	gottne tyme
122	note * line 2	<i>After</i> proclamation. <i>add</i>
123	line 18	for now
124	21	ther ministers
125	21	depositiones
127	7	Young; Durye;
129	note ‡ line 3	William Forbes
134	line 6	all to be at Glasgow, November
		seventeenth
134	14	day;
		day; and such as are on ther jour-
		ney upon ther way wher they
		best can keep it.
136	5	ther declared pairtye
141	note * line 15	receaved no ansuer
141	20	whatsomever
143	note * line 2	and Mr. William
143	6	thes letters
143	6	they said
143	9	the Assembly
143	11	the practise
143	13	might be
143	14	went on with
143	18	<i>After</i> moderate. <i>add</i>
		However by this colour he was
		laid by with his owne consaile.
144	note * line 6	the weall of
146	line 34	transumptes
149	19	ane hundereth and twelvetwo
149	22	thes elections
150	note * line 2	forced for to second
152	line 25	our commissioner
156	note ‡ line 2	four comissiones
157	line 20	ther proceedings
164	26	ther Tables
165	4	are interest
169	11	who had delyvered it
174	8	voice. The Commissioner
		voice. But fynding that the As-
		sembly would put it to a voice,
		the Commissioner
174	12	the King should authorise

<i>The King's College Transcript.</i>			<i>The Author's Manuscript.</i>		
Page 180	line 6	albeit			that albeit
180	30	the church government			ther church government
181	21	is openly impugned			is thus openly impugned
187	11	befor the daye			chosne befor the daye
188	note † line 3	their sons			ther first sons
188	9	all to morrow			til to morrow
188	9	imputations against			imputations laid against
188	11	must obey			must doe
188	35	to encounter			for to encounter
189	line 3	to tacke advauntages			tacke advauntages
190	11	this challenge			his challenge
190	29	the quarrells			thes qwarrells
192	6	that tyme			this tyme

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<i>The King's College Transcript.</i>			<i>The Author's Manuscript.</i>		
Page 3	line 18	and is Earle			and Earle
4	9	to enter			for to enter
4	10	that honoer			that hower
7	note † line 1	the questione			this questione
9	line 13	if he be present			· if he be present ·
9	19	not ratifie			not to ratifie
11	22	answerable for			ensurable for
11	37	prescrybe church caones			prescrybe to church caones
16	14	for that			so that
16	16	is the questione			was the questione
16	31	being that			seing that
20	25	all the churches			all churches
23	5	the semi-papistes			thes semi papistes
24	23	ought to be			ought not to be
25	7	was first			was at first
28	22	subsiste			consiste
28	note † line 1	is challengd			was challengd
28	note ‡ line 5	James Fletcher.			James Glegborn.
34	line 5	alleadged against them			alleadged, or to be alleadged, against them
35	12	He challengd			He challengeth
36	10	For ther			To ther
36	11	he has			that he has
37	27	ther electione			the electione

	<i>The King's Colledge Transcript.</i>	<i>The Author's Manuscript.</i>
Page 37 line 37	thes ministers	the ministers
38 25	the oathe of supremacye	and the oathe of supremacye
40 31	the actes	thes actes
45 25	of thes	of ther
47 5	this redemption	his redemption
47 23	ther was	ther wer
47 29	did at first	did first
50 note * line 6	of thes tenents	for thes tenents
52 line 17	seven dayes	ten dayes
52 33	from presbytryes	from some presbytryes
57 10	in ther	in thes
57 15	it fell out so	that it fell out so
61 21	and are not the presbyters	for the presbyters are
62 21	after Epiphanye	after the Epiphanye
65 21	Yea	Yet
187 16	<i>At the conclusion of the Third Book, the Author has written on the margin, by way of memorandum</i>	Heer adde . 1. The coming out of the Large Declaration, and all its conclusion from pag. 402. 2. The sune of Covenanters Information for Defensive Armes, and Mr. Corbetts Answer to it ; as also, 3. Bishop Lesslys Declamation upon the Covenant.

ERRATA.

Vol. ii. p. 135, note (1), *for* November [1639], *read* November [1638],

Vol. ii. p. 229, note (2), *for* Lewes of Fyvie, on the highway from Aberdeen to Banff.] *read* Lowesk in the parish of Rayne, on the old highway from Aberdeen to Strathbogie.]

HISTORY
OF
SCOTS AFFAIRS.

THE ARGUMENT.

THE ARGUMENT.

THE FOURTH BOOKE.

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HISTORY
OF
SCOTS AFFAIRS.

THE FOURTH BOOKE.

HISTORY OF SCOTS AFFAIRS.

THE FOURTH BOOKE.

LVIII. Befor Generall Leslye marched, the Covenanters wer resolvinge for to promote the worke of reformatione, as the temple was builded, with swordes in one hande, to defende what was alreadye done, and petitiones and supplicationes in the other, for to invite the Kinge his consent to what yet remained : but hardly could they fynde any who wold undertacke to present ther petitiones. But, fynding that one Johne Mosley,⁽¹⁾ ane English doctor of divinitye, was come to Scotland about thes tymes, (either sent pourposly, or seeking employment, and studying to patch up a syncretisme tuixt the episcopall partye and them, to whom Mr. Cleveland, the great satyryst of his age, in one of his poyemes, seems to allude*), it is said that as a great civilitye, they suffered him for to † travell in his canonicall habite ; and that, fynding the Seotish farr qwyetter then was givne out, that he lamented the miserye of both nationes, who wer lycke to be putt by the eares by the calumneyes of a few lyars (the bishopps and ther party, I suppose) : finally, he urges such of the Covenanters noblemen as he was acqwaynted with for to send ther supplicatione to the King, whair of himselfe undertackes to be the bearer ; as also, that he would informe the King to ther advantage of all that he had heard and seene, vpon all hazard that might befall him, which was just none at all.

Therfor did they give a supplicatione⁽²⁾ to Dr. John Moseley, to be pre-

A. D. 1639.
Lesly about to march. Nobody will undertake to deliver the Scots petitions to the King ; Dr. John Mosely undertakes them ; also letters to Essex and other English noblemen.

(1) [Vicar of Newark-upon-Trent : “ a man,” says Heylyn, “ of zeal enough to be put upon any business which the wiser ones durst not be seen in ; and of such silliness withal that no body could fear any danger from him.” *Life of Archbishop Laud*, p. 388.]

* See Cleveland in his poyems :

The preest to tye thes foxes tayles together,
Mosley or Sancta Clara, chuse yow whether.

† Spang, *Historia Motuum*, pag. 362.

(2) [It is printed in the Records of the Kirk, p. 216. Baillie says, it was “ conceived

A. D. 1639.

sented to the Kinge, wherin they protested that they knew no offence that they wer guiltye of; they beseeche his Majesty that he wold give them aeqwall hearinge, and not trust ther enemyes wordes; finally, that in all thinges they should never declyne to obey him, nor had ever refused to obey him, conforme to the lawes of church and state.⁽¹⁾

Also, letters wer directed at that time lyckwayes unto the Earle of Essex, then governour of Bervicke for the Kinge, praying him for to interceed with the King for them, that matters mycht be otherwayes disputed and the controversy discyded, then with force of armes.⁽²⁾ Lyckwayes, letters⁽³⁾ wer sent with Dr. Moselye, to be delyvered to the Earles of Pembroke and Hollande, shewing them that, wheras Dr. Mosely had informed them of ther zeale and desyre of amicable compositione, albeit Mosely had no publicke commissiōe, yet they so much approved his good will, therfor, since they could not hitherto prevaile by the mediatiōe of any of the nobilitye about courte of ther owne natione, they would now adress themselves to ther lordships, beseeching them to mediat betuixt the King and them; and beseeches and empowrs them to communicat ther letter to the rest of the English nobilitye: Furder, they shew that they never wer enemyes to monarchicall government; that they never intended for to invade Englande; that all they desyred was that they might live according to their owne lawes, and enjoye relligiōe in its puritie; that this was the thing which they had sworne too, in the mantenance wherof they would both spende ther lyves and fortunes; and that this was no just reasone for a nationall warre, since each natione had its owne lawes: And, with wordes enouch, they runne on in this straine according to ther uswall mode.⁽⁴⁾

Lesly begins
his march.
King's procla-
mation.
May 21.

LIX. Advertishment being come, that the King had marched out of Newcastle, and was upon his marche towards Bervicke with his armye, Generall Lesly, as I have told befor, marched towards the border, tacking his journey from Edinburgh, May twenty-first, with the vamm, ordering the rest of the army to follow. His first encamping was at Hadingtoun; his next

by Mr. Henderson, in termes so submiss, that some were not pleased with the straine, fearing lest the baseness of it should be imputed to our quaking for the approaching of the King's armes; yet little in it was altered; only Argyle was desyred to wryte with him, in a stouter style, a common letter to Pembroke and Holland." Baillie's Letters, vol. i., p. 294. Laing's edit., Edinb., 1841. 8vo.]

⁽¹⁾ [Historia Motuum, p. 362.]

⁽²⁾ [*Ibid.*]

⁽³⁾ [This communication is printed in the Records of the Kirk, pp. 218, 219.]

⁽⁴⁾ [Historia Motuum, pp. 362—364.]

marche to Dumbarr, charging all the countrey, as he marched, to asiste and bring in necessaires to the armye; and his next statione was at Dunglasse, neer the border, that hee might ther confronte the Kings armye, which was hard by upon English grounde.

Lesly being come to Dunglasse, ther comes to him from the Earle of Holland, generall of the Kings horse, ane trumpeter, with letters to the Scottish noblemen, and with other particular letters to the Earle of Ardgylle,⁽¹⁾ wherein he requyred them for to obey the Kings proclamatione, which was published latelye befor at Newcastle, May fourteenth, whilst the King and his army laye ther. The proclamatione was lyckwayes delivered by the trumpetter, which was much to this pourpose⁽²⁾: That for as muche as the King himselfe was to marche for Bervicke, in qwyett maner, with his army, for to settle the troubles of Scotland, and for to satisfee his subjectes just demandes in a parliamentarye convention; and since ther was a constant reporte that the Scotts intended to enter Englande: therfor, that the subjectes of both nationes might be sure of his good will, he did commande strictlye, by the present proclamatione, that none of the Scottish armye should come within ten myles of Bervicke: and if any should contraveen this his present command, in that case he warranted all the commanders and officers of his army to hould all such for rebels, and for to persew them as invaders of the kyngdome of Englande.⁽³⁾

LX. The counsell of warre of the Scottish army consult upon ane ansuer: Some thought that if they reteered backe it would be called feare, and they thought weacke, and would macke the King shortly after propose harder commands to them: Others said, that if theye reteerd the Kings army would enter Scotland, and garrisone the fronteer villages. But, after all ther constructions, it was appoynted by common consent for to obey the Kings proclamatione; and that so much the rather because they founde it of a mor peacefull strane then the former which Hamiltounne urged to be proclaimed, and that out of the narrative therof it was not altogether unprobable that some hopes of a pacificatione might be gathered.⁽⁴⁾

Answer therfor is returned to the Earle of Holland, shewing that they wer willing to obey the King, howbeit his fleet had used them ill, stopping

A. D. 1639.

The Scots answer. Sir John Hume sent with instructions to the Earl of Holland.

(1) [Historia Motuum, p. 364.]

(2) [It is printed in the Records of the Kirk, p. 220.]

(3) [Historia Motuum, pp. 364, 365.]

(4) [Historia Motuum, p. 365.]

A. D. 1639. — ther trading, *etc.*; that they wer willing to macke himselfe and the rest of the English nobilitye arbiters betuixt the King and them; finally, that they should keepe the distaunce commanded, albeit it was to be suspected that such a command was for to fetche them into ane inconvenience.

Hollands trumpeter being dispatched back with this ansuer, they send after him Sir Johne Hume, with instructiones to the Earle of Hollande, for to informe him and the rest of the nobilitye of the true state of the controversye, which they drew upp in thes termes, *viz*: Whither it was lafull or not for the Scottish for to live acording to ther aune lawes, and whither or not the subjectes of Scotland wer holdne in all matters ecclesiasticall to stande to the determinacione of Generalle Assemblies, and in matters civill to the knowne lawes and actes of Parliament?

To this they added, that to thes they wer willing to submitte, and in them they should render an accompt of ther actiones; that they never thought upon diminishing the Kings greatnesse, nor invading England, but upon necessary defence; that they saw no better nor neerer waye to compose differences then that some should be chosne on both sydes who should heare all thinges and ther desyres.

To this the Earle of Holland ansuered that he should doe his best for to gett ther desyre accomplished.⁽¹⁾

Holland marches to attack a party of Scots at Kelso; but returns *re infecta*. The English take this as an affront.

LXI. Whilst thes overtures are preparing, somewhat interveend which was lycke to have disturbed all the hopes of peace. Ther wer lying about four thousand foote of the Scottish army, near Jedburgh and Kelso, at a distaunce from the rest. Lesly suspecting that either ther qwarter might be beatne upp, or the countrey about them wasted, ordered the Lord Lowdone, Lord Fleeming, Lord Erskin, and collonel Robert Munroe, who were collonells to thiose respective regiments, that they should draw in all ther regiments to Kelso, a village which is scitwate upon the banke of the river Tweede, and should cast upp trenshes about it for preventing ane infall (for the Kings horsemen wer lying within four myles of them), and that they should keepe stricke watche and warde, because they could not easily be rescwed by Lessly if they wer in dainger. The colonells did as they wer commanded, and it fell out as Lesly suspected; for the King being advertished that ther was only one regiment ther (belonging to the Lord Erskyne), and so neer England as that they wer upon the very bancke of

(1) [Historia Motuum, pp. 366, 367.]

the Tweede, commanded Holland for to dryve them awaye, as supposing them at neerer distaunce then ten myle of Englande. A. D. 1639.

Holland, as he was ordered, upon the fourth day of June, marcheth for Kelso with thirteen troopes of horses, three thousand foote, and fowre feeld peeces. But thes regiments, who wer come ther the night befor, having notice of Hollands approache, stooode to ther gwarde, and made ready for to receave the Earle of Hollands assault; who, fynding that he was discovered, first halted, and then having beheld the Scottish ther readynesse to draw upp and receave his charge, he straight way reteered with ane disorderd haiste, which being perceived by the Scottish souldiours they cryed to perswe the fleers; but their colonells would by no meanes permitte them to tacke the advantage at that tyme. June 4.

The Englishes tooke this for a kynde of affront, and because the Scottish supposd that Holland would bethinke himself how to repaire his credite, Lesly thought it meetest to draw out thes regments from Kelso, and ordered them to meete him at Duns Law, midd waye betuixt his qwarter and thers, wher they all did meete and encampe upon the fyft daye of June, pitching ther tents rownde about that hill, within six myles of English ground, whence they could easily see the Kings campe upon the other syd of Tweede river. Ther they lay in opne leagwe, to the number, as was givne out, of twenty-four thousand. Ther first comming ther did alarum the Kings campe, but, by the Scottish lying still, it was quicklys husht, and all was qwyett againe. It is affirmed that till the King, by spyes, learned ther numbers and ther discipline, that he was made beleewe they wer but ane handfull, who dwrst not fight;* which is scarcely credible, for the King had too many freends in Scotland to be ignorant either of ther praeparationes or numbers, he getting from thence dayly intelligence of all ther publicke actiones, and sometymes of ther private actiones and plottes, as shall be instanced in the following particular, which the King challengded them upon after the pacificatione. June 5.

LXII. It was a project that the pryme Covenanters had for to crave the King of Fraunce his assistaunce and mediation; to which pourpose they drew upp a letter, directed to the King of Fraunce, Lewis the Thirteenth, which spoeke thus in English, being rendred out of the Frenshe for to save repetitione :(1) Scots project of asking assistance of the King of France;

* Spang, *Historia Motuum*, pag. 370.

(1) [This translation is transcribed from His Majesties Declaration, concerning his proceed-

A. D. 1639.

“ Sir,

their letter :
instructions.

“ Your Majestie being the refuge and sanctuary of afflicted Princes and States, wee have found it necessary to send this Gentleman, Mr. Collvill, to represent unto Your Majestie the candor and ingenuity, as well of our actions and proceedings, as of our intentions, which we desire to be engraved and written to the whole World with a beame of the Sunne, as well as to Your Majestie. We therefore most humbly beseech You (Sir) to give faith and credit to him, and to all that he shall say on our part, touching us and our affaires, being most assured (Sir) of an assistance equall to Your wonted clemencie heretofore, and so often shewed to this Nation, which will not yeeld the glorie to any other whatsoever to be eternally, Sir,

“ Your Majesties most humble, most obedient, and
most affectionate servants,

“ ROTHES, MONTROSE, LESLY,⁽¹⁾ MAR, MONTGOMERY, LOUDOUN,
FORRESTER.”

I make mentione of it now, though it came not to be canvassed till afterwards, because, Mr. Spang sayes, it was wryttne when the army of the Covenanters wer lying upon the border. Whither it wer so or not, it is hard to tell.

And what thes instructions wer which wer givne to Mr. Colvill, the bearer, I suppose are scarcely yet knowne, howbeit Spang will have us take these following for them,⁽²⁾ which themselves after did publish :

First, That he should putt the French King in memory of the old league made betuixt Charlemaigne and King Achaius, eight hundred yeares agoe.

Second, That ther intentiones wer not against monarchicall government, but to preserve ther relligione, lawes, and libertyes.

Third, That he should not trust the calumneyes of ther adversaries, which wer forged to make them odious to forraigne princes.

ings with his subjects of Scotland, since the pacification in the camp neere Berwick, pp. 58, 59, Lond., 1640; where the original French will likewise be found. Reference may be made to Hailes' Memorials of Charles I., pp. 57—61.]

(1) [“ The subscription of General Leslie,” says Lord Hailes, “ is so aukward and mishapen, that it confirms the tradition of his being absolutely illiterate. It is reported, that, once upon a march, passing by a house, he said, *There is the House where I was taught to read*. How, General, said one of his attendants, *I thought that you had never been taught to read*. Pardon me, replied he, *I got the length of the letter G*. Memorials of Charles I., p. 61.]

(2) [Historia Motuum. pp. 372—373.]

Fourth, Since they could not prevaile at the Kings hande with all their supplicationes, therefor they desyred that the King of Fraunce would mediate for them, that they might be licenced to enjoye ther laues and libertyes, *etc.*⁽¹⁾

A. D. 1639.

The letter was backed *Au Roye*, but the Covenanters saye not by them, nor thes instructiones ever sent, nor the letter ever sealed.⁽²⁾ Ther will be fitter occasione to speacke to it heerafter: Sure I am, however they will vindicate themselves of this imputatione, yet all of ther leaders will not weall vindicate themselves from keeping a crosse hande with Cardinal Richelieu, an avowd fomentor of the troubles of Great Britaine. But to returne to our pourpose againe.

LXIII. After the two armyes had layne some days in view eache of other, without any actione, some of both sydes being licenced for to goe to either army, and amongst the rest the Earle of Dunferemlyne having gottne licence and safe conduct to come to the Kings campe for saluting some freendes ther, it was told him that the Englishes expected that the Scottish should propose and present overtures of peace themselves, and make applicatione to the Kinge; which if the Scottish would doe, the English nobilitye ther present promised to be asistinge.

Overtures from the Scots sent by the Earl of Dunfermline; then letter to the Earl of Holland. Sir Edmond Verney sent to the Scottish camp Treaty between the King and the Scots. The desires of the Scots: King's answer: his queries: Scots answer. State of the King's and the Scots-armies.

Dunferemlyne returnes to the Covenanters campe, and relates this motion, which the English nobilitye had suggested to him; wherupon the Earle of Dunferemlyne was made choise of to be the man who should returne to the Kings campe, and present the King with the supplicatione of the Covenanters, which was much to the pourpose followinge:

“To the Kings most excellent Majestye, the supplicatione of his Majestyes subjectes of Scotland, humbly shewing,

“That, wher the former meanes used by us have not been effectwall for recovering your Majestyes favour and the peace of this your Majestyes native kyngdome, we fall downe againe at your Majestyes feete, most humbly supplicatinge, That your Majesty would be gratioously pleased to appoynt some few of the many worthy men of your Majestyes kyngdome of England, who are weall affected to the trwe religione and to our common peace, to

(1) [These instructions are printed at length by Lord Hailes in his *Memorials of Charles I.*, pp. 62—65.]

(2) [“The letter in French by the Scottish Lords,” says D’Israeli, “addressed ‘Au Roy,’ we now know, was sent and was received. Monsieur Mazure recently discovered it in the State-Paper Office of France. *Histoire de la Révolution de 1688*, par Mazure, iii., 405.” *Commentaries on the Life and Reign of Charles I.*, vol. iv., p. 351.]

A. D. 1639. heare, by some of us of the same dispositione, our humble desyres, and to make knowne to us your Majestyes gratiouse pleasure ; That as, by the providence of God, we are joynd in one island, under one King, so, by your Majestyes great wisdom and tender care, all mistackings may be speedily removed, and the two kyngdomes may be kept in peace and happynesse, under your Majestyes long and prosperouse raigne ; for which we shall never cease to praye, as it becommeth your Majestyes most humble subjectes."

With this supplicatione, sent to the King by the hande of the Earle of Dunferlemlyne, ane letter⁽¹⁾ was sent to the Earle of Holland, and others of the councell of England, shewing that, Howbeit they had endeavoured for to make the loyalty of ther intentions knowne to the King, and to all England, yet matters were growing worse : For this cause they had sent to the King ther supplicatione, beseeching ther lordships to assiste it ; that so, by a speedy meeting of pryde and weall affected men, matters might be fairly accomodate, least longer delays should render the evils past cure : That they attest God, that they had left no faire meanes unassayed to give just satisfactione to the King and the whole kyngdome of Englande, and that they desyred nothing but the preservacione of lawes and libertyes : Finally, that if fearful consequents ensue (if not prevented), they trust that they shall not be imputed to them, who hitherto have bene following peace, and wer desyrouse to shew themselves his Majestyes faithfull subjectes, and their lordships humble servautes.

How soone the Earle of Dunferlemlyne had presented the supplicatione unto the King, Sir Edward Verney,⁽²⁾ ane English gentleman, was sent by the King to the Scottish campe, for to shew them, That he would give no answer to ther supplicatione till they first caused publish in ther campe his proclamatione, (of the date at Yorke, Apryle twenty-fifth), which they had denyed to the Marquis of Hamiltoun.⁽³⁾ To this demande it was answered, That the said proclamatione was vitious, both for forme and matter, which they instanced, and delyvered ther exceptions against it to Sir Edward Verney, who related ther answer and reade ther exceptiones to the King,

(1) [It is printed at length in the Records of the Kirk, p. 222.]

(2) [Sir Edmond or Edward Verney, Varney, or Vernham, Knight-Marshal, bore the King's standard at Edgehill, where he was slain.]

(3) ["The Answer sent from the King by Sir Edmond Verney," and "Sir Edmond Verney, his Memento of the Answer from the Scotts Noblemen," will be found in the Records of the Kirk, p. 226.]

in presence of the English nobilitye, for they had givne him ther exceptions in wrytte. The English noblemen, upon hearing therof, earnestly interceeded with the Kinge, that the Scottish should not be urged with that proclamatone, but that his Majesty would nominate some to hear them. At the last, the King was contented that such as the Covenanters should delegate should come to his campe, upon Munday nexte, June tenth, at which daye six of the English noblemen should be ready, at the tent of the Earle of Arrundell, generall of the Kings armye, to give them hearing, be eight a clocke in the morning; to whiche purpose ther was a safe conducte graunted, under the Kings hand, to such as they should appoynte to conferre. Some questione was made concerning their safe conducte, as being invalide, according to the lawes of England, for to warrant any who wer accused of treason and rebellion, (as they wer by the Kings proclamations), except it wer graunted under the greateseale: But it was not thought meete to object that, but for to trust the Kinges owne subscriptione. Therfor the Scottish doe instantly delegate the Earle of Rothesse; the Lord Lowdone; Sir William Douglass of Cavers, high sheriff of Teviotdale; Mr. Alexander Henderson, late moderator at Glasgow Assembly; and Mr. Archibald Johnstone, church clerke. The author of King Charles his Annalls⁽¹⁾ sayes that Dunferlemlyne was one of the delegates, though some of the Scottish wrytters* name him not, I suppose, because before named.

Thoise whome the King named upon the English syde, for to meete with them, wer the Earle of Pembroke, Earle of Salisbury, Earle of Holland, Earle of Barkshyre, Sir Harye Vane, and Secretary Coke; who failed not to keepe the tyme appoynted, wher the King was contented for to be personally present, beyond ther expectatione, (and himselfe sayes beyond ther merit lykwayes).† After some apologetically speeche, which was delivered by the Scottish comissioners, with much submissione and respect to the Kinge, they wer desyred at last to putt ther desyres all in wryttinge.

(1) [Probably the *Historie of the Reign of King Charles*, by H. L. (Hammond L'Estrange.) Lond. 1656.]

* Spang, *Historia Motuum*, pag. 375.

† Declaration, p. 4. [His Majesties Declaration, concerning His Proceedings with His Subjects of Scotland, since the Pacification in the Camp neere Berwick. London, Printed by R. Young, His Majesties Printer for Scotland, and R. Badger, Printer to the Prince His Highnesse. M.DC.XL.]

A. D. 1639. which they presented accordingly, having brought them along with them in paper: The summe whereof was,⁽¹⁾

First, That the King would cause ratifie the late Assembly of Glasgow, in the parliament which is iudicted to sitte downe the twenty-third of July following.

Second, That ther might be, in all tymes comming, triennial parliaments and yearly Generall Assemblies of the churche; the one for determining all matters civill, the other for matters ecclesiasticall.

Third, That he would recall his fleete from the Fyrthe; that persons, shippis, and goods arrested, be restored; losses sustained, by stopping of trade, repared; and they securd beerafter from violence and invasiōe.

Fourth, That all excommunicate persones, incendiars, and informers against the kyngdome, who have, for ther private endes, raised these commotions, may be returned, to suffer ther deserved punishment.

Fifth. That the proclamations and manifestoes sent abroad by suche, under his Majestyes name, to the Kings dishonour, and defamation of the kyngdome, may be suppressed.

June 13. Thes wer ther desyres shortlye, for which they gave reasones in ane other paper, June thirteenth, Wednysdaye:⁽²⁾ *First*, Because the civill power keepes both tables, and churche constitutions cannot be weall observed without civill sanctione. *Second*, Because Glasgow Assembly was indicted by the King, and lafully constitute according to actes of praecedent Assemblies. *Third*, Its actes are grounded upon actes of former Assemblies. *Secoul*, That a parliament be no longer delayed, is necessarye for peace of the kyngdome. *Third*, The only way to preserve lawes and relligione, is to determine thinges of different natures in ther proper judicatoryes. *Fourth*, Triennial parliaments, they said, wer necessair, because of his Majestys absence in ane other kyngdome, wherby his subjects their greivauces could not alwayes be hearde. *Fifth*, Wheras it is affirmed that they intende to encroatche upon the Kings praerogative, and to invade England, they declare that they never meant the lycke; and therfor desyre that such as have spredd abroad such calumneyes against them may be

(1) ["The humble Desires of his Majesty's Subjects of Scotland," are printed at length in Rushworth's Hist. Collect., vol. iii., pp. 940, 941; Nalson's Impart. Collect., vol. i., pp. 234, 235; Records of the Kirk, p. 227.]

(2) [See Rushworth's Hist. Collect., vol. iii., pp. 942, 943; Nalson's Impart. Collect., vol. i., pp. 236, 237; Records of the Kirk, pp. 227, 228.]

punished. All thes thinges they conceived would be a meanes to a blessed pacificatione; other meanes for that ende they remitte to the Kinge his wisdom and consideratione. Thes reasones of ther desyres the King desyred them to give; but, being unwilling to surpryse them, he gave them tyme to goe and advyse them, and ansuer them distinctly, which they did, to the pourpose above mentioned, at ther returne to the Kings camp, June thirteenth. At ther returne the second tyme, the King desyred them to draw ther desyres into few wordes, and sett them downe under ther handes, which the Lord Lowdon did in the following wordes:⁽¹⁾

A. D. 1639.

“Memorandum, That our desires are onely the enjoying of our Religion and Liberties according to the Ecclesiasticall and Civill Lawes of His Majesties Kingdome; To cleare by sufficient Grownds, that the particulars which we humbly crave, are suche, and shall not insist to crave any point which is not so warranted; And that we humbly offer all civill and temporall obedience to Your Majesty, which can be required or expected of loyall subjectes.

“ (Signed)

LOWDON.”

To this the King answered as generally,⁽²⁾ That, if ther desyres wer only the enjoying of ther religion and libertyes, according to the ecclesiasticall and civill lawes of the kyngdome of Scottlande, he wold not onlye agree to the same, but should alwayes protect them to the outermost of his power: And if they shall not insiste upon any thing but that which is so warranted, he would most willingly and readily condescende unto it, so that, in the meane time, they pay unto him that civill and temporall obedience which can be justly requyred and expected of loyall subjectes.

Before the King gave them ther ansuer, three qwerees⁽³⁾ wer proposed by the King to the Scottish commissioners, which wer:

First, Whither they acknowledged the Kings majesty to have the sole indictione of Assemblies?

Second, Whither his Majesty hath a negative voice in Assemblies?

Third, Whither his Majesty hath the power of raising Assemblies?

To thes qwerees they made a present ansuer by worde, and prepared one in wrytte, which was not called for.

(1) [His Majesties Declaration, 1640, p. 5.]

(2) [*Ibid.*]

(3) [These Queries, together with the Covenanters' Answers, are printed in the *Historia Motuum*, pp. 377—379; in the *Records of the Kirk*, p. 228; and in *Stevenson's Hist. of Ch. of Scot.*, vol. ii., pp. 739—741.]

A. D. 1639.

The summie of ther ansuer came to this, That it was proper to the Generall Assemblyes for to ansuer that questione : They confesse that it was in the Kings power to indict General Assemblyes ; but that, in cases of extreme necessitye, the church had power to convene of herselfe. This they proved, *First*, From Chrystes promise to assiste the Church ; *Second*, From the practise of the Church of Scotlande, and her judgement ratifyd in parliaments, specially in that of 1592, which takes away the Kings negative voice in Assemblyes, because his prerogative is declared to be no waye praejudiciall to the preveledges and libertyes which God has graunted to spiritwall office bearers of the church ; and if Kings had negatives in Assemblyes, then the whole frame of religion wold depende upon a King his pleasure, who might chaunge religion contrare to all lawes, *etc.* But whither their verball answer wer the same with ther wrytne answer, which afterward they caused printe, must lye upon their owne credite who have related it. The King, in his declaratione, takes no notice of thes qweres, for it was not proper time to dispute ; his army being but in ane ill conditione, many of them sikning and ill provyded of ententement, and such of the English nobilitye as wer with him rather enclynd to be mediators betuixt him and the Scottish, then for to fight with the Scottishe, who wer stronger of foote then the Kinge, ther army in better conditione then the Kings, in better healt, and better provyded of all thinges necessaire. Besyde this, the Scottish wer mor animated and couragious, none being ther but sworne Covenanters, whom ther ministers in the armye, by ther dayly sermons, made beleve that they wer fighting against no lesse then poperye, and slaverye, and the Kings tyranny, and ane arbitrary government ; whilst upon the other pairt, the King had little or no assuraince of the most of his soldiours, men levyd for money, living upon payment, and most of them unconcerned in the Kings quarrell ; for the Kinges army wer not raised by any parliamentarye authoritye, or maintained by ther subsidye, who, longe ere now, wer farr from contributinge any thinge for the Kings assistance, evne against forraigne enemyes, lett bee against the Scottish, to whom the Commons of England wished all happinesse and good successe ; all which inconveniences wer not unknowne to the Kinge.

King's distress. Third interview. Bishop of Ross.

LXIV. Much troubled was the King in thes extremes, which assailed him on evry hande : He saw not how to carry his poynte if he engaged, nor saw he how to make ane honorabill retreate, being alreadye so farr engaged. The Scottish knew what difficultyes he was in, and though they

gave him faire outward complements, yet they wer verye peremptorye in ther demaundes. A. D. 1639.

The third tyme that they returned to the Kings campe, they founde him muche troubled and angrye; nor could they settle in any terms at that tyme, but returned backe as they came. This the Covenanters imputed⁽¹⁾ to the bishopp of Rosse, who was present with the Kinge, as sundrye others of the bishoppes, and ministers, and nobilitye, and gentrye wer, who had fledd out of Scottlande, some of them abyding in Bervicke, some in Holy Islande, neer by, and others in the Kinges campe, and most of them a burthen to the Kinge, who was forced to give mantenance to thes of the meaner sorte, who wer drivne from ther stationes and livings.

The Covenanters wer not ignorant that the Kings inflexibilitye flowd not from ill counsellers, as from time to time they gave it out; for all knew him, and they saw him to be bothe wyse, solide, and rationall. But by qwarelling with such as wer about him, thus did they declayne challengding the King himselfe, whom otherwayes they behoved to have accused. Thus were ther wordes and actiones, one thing in the outwarde shew, and another in the inwarde, and for the substance therof.

LXV. Thes things being told to the Covenanters by ther commissioners, they beganne to conster the Kinges delays diverslye: Some thought that the treaty was pourposly drawne out to a lenthe, till mor forces should be fetched over from Irelaunde: Others thought that the King did intende for to sterve them, macking them lye still till ther provisions wer spent. Nor was it the least cause of ther impatience that Aboynd, at this very tyme, had a considerable following, and they, as yet, uncertaine of the event; for they knew very weall that if Aboyne should worst Montrosse and Marishall, wherof ther was great probabilitye, that Scotland wold breacke loose behynde them, and that Aboyne his numbers would encrease daylye; and then, if the King should fight them with such a disadvantage upon ther syde, ther souldiours, of whom not a few wer forced out, and complyd with ther succeste, might beginne to waver, to the great discouragement of the rest; so that, if they wer beatne, they could hardly recrute againe: Nor did the very pryme heades and leaders of ther armye fully trust one another, which, not long afterward, appeared to have been not without some reasone. By all this, it is manifest that the Cove-

Covenanters put different constructions on the Kings delays; press a quick conclusion. King's declaration gives no satisfaction; words altered in it: verbal promises which are afterwards denied by the counsel of England. Articles agreed upon by the Covenanters referring to verbal promises.

(1) [See Baillie's Letters, vol. i., p. 217; Historia Motuum, p. 380.]

A. D. 1639. nanter wanted not ther owne feares, wherby they had as greate desyre and reasone to close the treaty as the King had; and this may be supposed to have been a pairt of the cause that the treatye, in many poyntes therof, was willfully hudled upp upon both sydes, in such generall termes, as both the King and the Covenanters consterd eache to the advauntage of ther owne cause.

Yet the Covenanters wysly dissembled all this, and withall did give expresse warrant to ther commissioners to presse a quicke closure of the begunne treatye, and to shew that they might no longer be postponed with delays, that except the treatye went on they wold remove ther quarters, and pitche ther campe within muskett shotte of the Kinges campe.⁽¹⁾ Therfor, the treatye is againe recommenced, and after much agitatione, and many consultationes, the Kings declaration, twoching the intended pacificatione, was reade to the Covenanters ther commissioners; who, upon ther dislycke and exceptiones tackne both at matter and expressones as contrary to the myndes of such as sent them, and praejudiciall to ther cause, they did humbly remonstrate that the declaratione, as it was conceeved, could not give satisfacione to thoise from whom they wer sente; wherupon the King was gratusly pleased to command some wordes to be deleated, and other wordes to be chainged, and, as themselves affirmed afterwardes in ther print declaratione,* many pairtes therof wer, by verball promises and interpretations from his Majestyes owne mouth, mitigated, which they saye, in ther estimatione, wer acqwall to all that was wryttne: some of the counsellors of Englande assuring ther commissioners that what was spokne and promisd befor men of honour, and in the face of two armyes, was no lesse certaine, and wold (no doubt) be as really performed, as if it had beene wryttne in capitall letters: all which they say ther commissioners observed, remembered, and related at the delyvery of the Kings declaratione to them, and without which they say they wold never have condescended to, and consented to the articles of the declaratione, mor then they would have, against the light of ther myndes and consciences, sinned against God, and condemn'd ther owne deede. But heer was all the miserye (as afterward shall be told), that all of the counsell of England denyed that they ever heard of such a commentair upon the Kings declaratione: and the King and they,

⁽¹⁾ [Historia Motuum, p. 380; Baillie's Letters, vol. i., p. 218.]

* Covenanters Answer to the Declaration, 1640, *pag.* 16.

by a joint acte of counceill, afterwarde caused ther commentaire upon the treatye to be burnt by the hand of the hangman at Londone, after the Kings returne thither. A. D. 1639.

The Kings declaratione I have sett downe *verbatim*, because ther was so much adoe made about it afterwardes, and it is as followeth :*

“ We having considered the papers and humble petitions presented to us by thiose of our subjectes of Scottlande who wer admitted to attende our pleasure in the campe, and after a full hearing by ourself of all that they could saye or alledge theerupon, having communicated the same to our counceill of both kyngdomes ther present, upon mature deliberatione, with ther unanimouse advyse, we have thought fitt to give this just and gratiouse answer ; That though we cannot condiscende to ratife and approve the actes of the pretended Generall Assembly at Glasgowe, for many grave and weightye considerationes which have happned both befor and since, much importing the honour and securitey of that trwe monarchicall governement lineally descended upon us from so many of our ancestors ; yet such is our gratiouse pleasoure that, notwithstanding the many disorders committed of late, we are pleased not only to confirme and macke goode whatsoever our commissioner hath graunted and promisd in our name ; but also we are furdre gratically pleased to declare and assure, that, according to the petitioners humble desyres, all matters ecclesiasticall shall be determined by the Assemblies of the kirke, and matters civill by the Parliament, and other inferiour judicatories established by lawe ; which Assembly, accordingly, shall be kept once a yeare, or as shall be agreed upon at the Generall Assemblye.

“ And for settling the generall distractions of that our anciente kyngdome, our will and pleasure is, that a free Generall Assemblye be kept at Edinburgh, the sixth daye of August next enswine, wher we intende (God willing) to be personally present ; and for the legall indictione wherof we have givne order and commande to our counceill, and thereafter a Parliament to be holdne at Edinburgh the twentyth daye of August next enswine, for ratifying of what shall be concluded in the saide Assemblye, and settling

* See the Kings Declaration, 1640, p. 7, *et seqq.* [Rushworth's Hist. Collect., vol. iii., pp. 944, 945 ; Nalson's Impart. Collect., vol. i., pp. 237, 238 ; Historia Motuum, pp. 380, 382 ; Spalding, Hist. of Troub., vol. i., pp. 137, 158 ; Balfour's Annales, vol. ii., pp. 329, 333 ; Burnet's Memoires of the Hamiltons, pp. 141, 142 ; Records of the Kirk, pp. 228, 229 ; where also the “ Articles agreed on,” referred to in the succeeding chapter, will be found.]

A. D. 1639. such other thinges as may conduce to the peace and goode of our native kyngdome, and therein an acte of oblivione to be passed.

“ And wheras we are furder desyred, that our shippes and forces by land be recalled, and all persons, goods, and shippes restored, and they made safe from invasions, we are grātiously pleased to declare, That upon ther disarm- ing, and disbanding of ther forces, dissolving and discharging all ther pre- tended Tables and conventicles, and restoring unto us all our castells, fortes, and ammunitione of all sortes, as lyckways our royall honours, and to evry one of our good subjectes ther libertys, lands, houses, goods, and meanes, whatsoever tackne and detained from them since the late pretended Generall Assemblye, we will presently thereafter recall our fleete, and retere our launde forces, and cause restitutione to be made to all persones of ther shippes and goods detained and arrested since the aforsaide tyme; wherby it may appeare, that our intentione of tacking upp of armes, was no way for invading of our native kyngdome, or to innovate the religione and lawes, but meerly for the maintaining and vindicating of our royall authoritie.

“ And since that heerby it doeth clearly appeare, that we nether have, nor doe intende any alteratione in religione or lawes, but that both shall be maintained by us in ther full integritye, we expect the performance of that humble and dutifull obedience which becommeth loyall and dutifull subjectes, and as in ther severall petitions they have oftnē professed. And as we have just reason to beleewe that to our peacable and weall affected sub- jectes this will be satisfactorie, so we tacke God and the world to witnesse, that whatsoever calamities shall enswe by our necessitated suppressing of the insolencies of such as shall continow in ther disobedient courses, is not occasioned by us, but by ther owne procurement.”

It is affirmed by some* who have wryttne the historye (whither in so say- ing they have tackne it upp upon the credite of the Covenanters, who printed it in the yeaer† 1640, in ther declaratione, I cannot tell), that the King declared verbally, That albeit some expressions of his subjectes in Scotland seemed hard, yet his Majestye declared that he had no such opiniōe of them, but requyred the paper to stande for his credite, and for a poynt of honour with forraigne nationes, and requyred that they should

* Salmonet, *lib.* 2, *pag.* 162. [p. 49, edit. Lond. 1735.]

† A True Representatione of the Proceedings of the Kyngdome of Scotland since the late Pacificatione, by the Estates of the Kingdome, 1640, *pag.* 16; *et* Spang, *Historia Motuum*, *pag.* 384. [Records of the Kirk, p. 230.]

not stand with him for wordes and expressiones, so they obtained the matter. A. D. 1639.

Whither this was true or not that the King had any such declaratione, I cannot determine: This farr I am sure, that this short declaration was disclaimed and burnt with the rest, and I am as sure that, in the Ansuer to the Kinges declaratione, *anno* 1640, the Covenanters stande to all thes articles that wer burnt by the hand of the hangman at Londone.

LXVI. The articles of pacificatione, agreed upon on the Covenanters part, wer thes followinge :

First, The forces of Scottlande to be disbanded and dissolved within fourty eight howres after the publicatione of the Kings declaratione beinge agreed upon.

Second, The Kings castells, fortes, ammunitiones of all sortes, and royall honours, to be delyvered after the saide publicatione, so soone as the King shall send to receive them.

Third, The Kings shippes to departe presently after the delyverye of the castells, with the first faire wynde, and, in the mean tyme, no interruptione of trade or fishing.

Fourth, The King is gratusly pleased to cause to be restored all persons, goods, and shippes, detain'd and arrested since the first of November last past.

Fifth, No meetings, treatings, consultationes, or convocationes of any of the Kings leidges, but such as wer warranted by Acte of Parliament.

Sixth, All fortificationes to desiste, and no further working therin, and they to be remitted to the Kings pleasure.

Seventh, To restore to evrye one of the Kings good subjectes ther libertyes, laundes, houses, goodes, and meanes whatsomever, tackne or detained from them by whatsoever meanes since the aforesaide tyme.

The Covenanters commissioners brought the forsaide declaratione and articles to the Scottish campe, and ther conveening ther committee, it was enqwyred if thes articles wer agreable to them all or not? Sundrye expressiones therof wer qwarrelled with; but the commissioners answered that they had found a middse for that; for they said that they forsaue that all thes expressions would be displeasing, and that therfor they had supplicated the King that he would sweetne his expressions, and explain other things more clearly, wherby all doubtis and suspitiones might be removed out of his subjectes myndes: They said that whatever the King had answered by

The King's Declaration published, and the articles of the treatie subscribed by the Covenanters. The King's proclamation encountered with a protestation in the Scottish camp.

A. D 1639. worde at that tyme, they had tackne a not of it in wrytte, by common consent, and recalling to ther memoryes and collationing amongst themselves all his wordes: Furder, they said they would delver the just double of that wryting to such of the English nobilitye as had been instrumentall in the pacificatione (specially to Pembroke), that in caise afterward any questione should aryse concerning the generalitey or ambiguitie of any phrase or worde in the Kings declaratione, it might be cleared according to what was sett downe in that paper which contained all the private transactione which was agreed upon in presence of the English noblemen.

This was confidently affirmed by themselves afterwarde in ther declarationes, and the articles, they say, wer as followes: The *first* I have already set downe.⁽¹⁾

Second, As for calling the late Assembly *pretended*, seing the subjects of Scottlande professe they would never passe from the saide Assemblye and decrees therof, his Majesty professed, as he did not acknowledge that Assemblye furder then as it had registred his declaratione, so wold he not desyre the subjects to passe from the samen.

Third, Concerning the constitutione of the Assemblye, it was showne to his Majesty that none could be members of the Assembly but such as had a comissione, *viz.* two or three elders from every presbytrye, with a rulinge elder, one from each brugh and universitye, and his Majestyes comissioner. His Majesty contended that his assessors had vote; and, upon an expression in his Majestyes declaratione that referred to some reasones contained in former proclamations, which wer totally against the laifullnesse of ruling elders, it was desyred that, according to the custome of this kirke, all controversyes arysing should be remitted to the Assembly itselfe. His Majestye had some expressions, craving these to be remitted to himselfe; but being told that it was against the constitutione of the kirke to have any other judge but the voyces of the Assemblye, wher his Majestie or comissioner should be presente, and give the first voyce, it was concluded that the worde free Assemblye in his Majestyes declaratione did importe the freedome in judging all questiones arysing ther, concerning constitutione, members, or matter.

Fourth, Concerning the restitutione of the castells, as the subjects did it freelye, so did they expresse that what might concerne the safety of the

(1) [See above, p. 18 *parag. ult.*]

countreye, they referred to the tyme of the parliament, at whiche tyme they should signifie ther desyres, by petitione, to his Majestye; as also, they told it had cost much charges in fortifying and keepinge therof, the representatione wherof to his Majestye they referred to that tyme. A. D. 1639.

Fifth, Concerning the restitutione of persones, goods, and houses, re-
quyred by his Majestye, it was promised; provyding the great summes
contracted for the publicke wer repayed in ane aeqwall waye by all,
which behoved to be done, either by comissione from his Majestye, or by
parliament. And when it was objected that much goodes wer already
spnt, the King answered, that as for goods and ammunitione that was
spnt, they could not be restored, but thes that are extant must be
restored.

Sirth, His Majestyes not allowing of the late Assemblye, for the
reasons contained in his severall proclamations, being excepted against, as
a declaratione of his judgement against ruling elders, which praejudicath
the right constitutione of a free Assemblye, his Majesty, after full hearing,
delated that clause.

Seventh, That pairt of his Majestyes declaratione that beares that no
other oathe be exacted of intrants then that which is contained in the actes
of parliament, as also that clause bearing that the pretended bishoppes shall
be censurable by the Generall Assembly, being excepted against, as prae-
supponing and importing the continuance of episcopacye, which we could
not acknowledge, as being incompatible with the Confessione of Faithe
and constitutions of the kirke, his Majesty was pleased to delate both
thes claves.

Eighth, And it being with all instancye and humilitye prest, Saturdaye,
June fifteenth, that his Majestye wold satisfie the maine desire of his sub-
jectes by declaring that his Majestye wold qwyte episcopacye, he did answer
that it was not sought in our desyres: And when it was replied that our
first desyre to have the actes of the Generall Assembly ratifyd, imported the
same, his Majestye acknowledged it to be so, and averred that he did not
refoose it, but wold advyse till Munday the seventeenth: At which time, his
Majesty being prest to give some significatione of his qwyting episcopacye,
and it being plainly shewed to his Majestye that if he wold labour to man-
taine episcopacye it wold be a miserable shisme in this kirke, and macke
such a rapture and divisione in this kyngdome as wold prove incurable;
and if his Majesty wold lett the kirke and countrey be freed of them, his

A. D. 1639. Majesty wold receave as heartye and dutifull obedience as ever prince received of a people: His Majesty answered, That he could not premitte and forstall his voice, but that he had appoynted a free Assemblie, which might judge of all ecclesiasticke matters, the constitutions wherof he promised to ratifie in the ensuing parliament.⁽¹⁾

However this paper was afterward printed, yet at this tyme it was not seen in publicke, nor subscriybed. Only, for the present, the King, as has been told, published his declaratione: and the articles of the treatye wer subscriybed by the Covenanter noblemen, at ther campe, together with ane other short paper, containing a submissione to the King, as followeth:⁽²⁾

In the Campe, June 18, 1639.

In obedience to his Majestyes royall commandes, we shall, upon Thursday next, the twentieth of this June, dismisse our forces, and immediatly thereafter delyver his Majestyes castells, *etc.*, and shall ever, in all thinges, carrye ourselves lycke humble, loyall, and obedient subjectes.

(Signed) ROTHESSE, DUMFERLEMLYN, LOWDON, DOWGLASSE,
AL. HENDERSONE, AR. JOHNSTONE.

The Kings declaratione was proclaimed in the Scottish campe, June twentieth, by Sir James Balfour, Lyon Heralde King of Armes for Scottlande, in the presence of the Earle of Mortoune, and of Sir Edmund Verney and Sir John Burrough: thiose three having been commisionate by the King to see the same performed.⁽³⁾

No sooner was the Kings proclamatione published in the Scottishe campe, but it was encountered with a protestatione, which had been prepared pourposlye some dayes before; which declared:⁽⁴⁾

Least ther should be any mistacking of the Kings declaratione, or of the acceptaunce thereof, *etc.*, therefor the generalle, noblemen, barons, and burgesses, and ministers, and officers of the armye, conveneing befor the disbanding of the armye, doe hold it necessaire to sett downe in wrytting that which has been related to us by our comissioners, *viz.* That the King

(1) [Sanderson's Hist. of Charles I., pp. 267—269; Records of the Kirk, p. 230; Historia Motuum, pp. 384—386; Stevenson's Hist. of Ch. of Scot., vol. ii., pp. 745, 746.]

(2) [His Majesties Declaration, 1640, p. 12; Spalding, Hist. of Troub., vol. i., p. 159.]

(3) [See Balfour's Annales, vol. ii., p. 329.]

(4) [It is printed in the Records of the Kirk, p. 229; in the Historia Motuum, pp. 387, 388; and in Stevenson's Hist. of Ch. of Scot., vol. ii., pp. 749, 750.]

has signified to them, that albeit he cannot ratifie nor owne the late Assembly at Glasgow, whence it is called a praetended synode in his declaratione, yet he does not meane that his subjects, by acquiescing in that declaration, to be for to make them abjure it, or that they should condemne all ther owne former actings, as rebellionse, unlauffull, arrogante, *etc.*: Therfor, as they are desyrouse that all loyall subjectes may acknowledge his Majestyes gratiouse concessione in indicting a free Assembly, August sixth, and a Parliament, August twentye, for the ratifying the actes of the said Assemblye, so lycke-wayes they declare, that by no meanes doe they renounce the former Assemblye, they doe esteeme themselves bounde to maintaine and obey its decrees; and that all misconstructions may be obviated, be it knowne to all who shall come to know of the Kings declaratione. And as the King has oftne declared to our comissioners that this is his meaning, so we are persuaded that by this meanes his honour and ane happie peace will be only best advaunced: Therfor, they make ther humble petitions unto God, and desyre all for to mynde ther late solemne covenant with God, that they may walke worthy therof, and be founde adhering therunto.

To this protestatione was subjoynd ane other, as followeth: * And seing the sessione is now appoynted to sitt downe, which tendeth to the praejudice of his Majestyes subjectes who lately have beene so bussyd in ther preparatiounes for the defence of ther relligione and countreye, that they are now necessairly reteered to ther owne dwellings for settling of ther private affaires, and that they cannot be tymonsly advertished to attende any law bussinesse without greater praejudice then benefitte, and that the best pairt of the leidges have so securd ther evidents that the samen cannot be in readinesse in this shorte tyme of sessione; Therfor, and in respect the downe sittinge of the sessione now cannot be otherwayes intimated to them but upon forty dayes, wheras ther are only twenty dayes to runne after the appoynted day of this meetinge. We protest that all members of the Colledge of Justice, and all his Majestyes leidges are, in *bona fide*, not to attend this sessione; but that all actes, sentences, decreets, and interloqwtors to be givne and pronounced against them (if any shall bee), ar in them selves nulle, voyde, and ineffectwall, such lycke as if the samen had never

* True Representation, *pag.* 40. *Nota*, This protestation against the Session was not read till July first, at the crosse of Ediuburgh. See it afterwarde. [It will be found in the Records of the Kirk, pp. 231, 232.]

A. D. 1639. been give nor pronounced; and protest for remede of law against the samen and evry one of them.

Covenanters
return thanks
for the King's
concessions.

LXVII. After the publishing of the proclamacione in the Scottish campe, the Earle of Cassils was delegate by the Covenanters for to render to the King publicke thanks for his concessions so gratically to his subjectes; who told the King that he hoped that ere longe the King wold conceive a better opinione of his subjectes, and of the Assembly of Glasgow, then that which he had specifid in his declaracione: Also, the Earle declared that the Covenanters adheared to that Assembly and to ther Covenant; which was the very substance of ther protestatione, intimated to the King as a complement by Cassills.⁽¹⁾

When Lyon had ended the reading of the Kings proclamacione, and the protestatione was lyekwayes readde, they profered a cotype therof to him; and when the Kings declaracione was anewe proclaimed at the crosse of Edinburgh, the Lord Lindsey caused one for to reade the saide protestatione anew in name of the rest of the Covenanters.⁽²⁾

Scottish army
begins to dis-
band. King
changes his
mind as to
holding the
Assembly in
person, on ac-
count of the
attack upon
Aboyne's
coach in the
streets of
Edinburgh:
second reason.

LXVIII. Aording to the agreement, the Scottish army beganne to disbande, June twentieth, and to marche homewarde, to the great satisfacione of the most part of the Englishes, nobility, and souldiours, who wer about the Kinge: For at that tyme they neither had stomache for warre, and, generally, they had a better conceipt of the Scottish, and secretly bore them good will in a farr greater measure then they did in the yeares following; for as yet the Scottish sought no expence from the Englishes: that propositione was reserved till afterwards.

It was the desyre of some, and the King sayes* it was his intencion to have come to the Generall Assembly at Edinburgh, but he laid by that resolutione for severall causes: One wherof was, that the Lord Viscount of Aboynde having, after the pacificatione, in his journey to Bervicke, come to Edinburgh, the people hearing therof sett upon a caroch wher they wer informed that Aboynde and the bishopp of Edinburgh wer; the unruly multitude beganne to presse hard upon the coatche, but they founde themselves quickly in a mistacke, by the discoverye of the high thesaurer, the Earle of Kinnoulle, the justice generall, Sir James Hamiltoun, council-

(1) [Historia Motuum, pp. 388, 389.]

(2) [Balfour's Annales, vol. ii., pp. 332, 333.]

* Lesser Declaratione, pag. 9.

lers of the kyngdome, wherupon the tumult ceased. But the King hearing of this hubbub, thought it not fitt to entrust his persone amongst such who wer not yett qwelld of ther late tumultuary feavers, howbeit that much paines was tackne to extenuate the matter to the Kinge.

A. D. 1639.

A second reasone of his not going to Edinburgh at that tyme, the King affirmes to have been the Covenanters ther refusall for to permitte fourteen lords and others of ther number whom the King sent for to come to him to Bervicke, for to goe to him to speacke with him. This disobedience the King consterd as a distrust of him upon ther pairt; and, therfor, concluded that it could not be thought reasonable that he should trust his persone with thes who distrusted him after so many arguments and assuraunces of his goodnesse towards them.

The Covenanters, in ther booke called the Trwe Representatione, cast the blame partly upon the Kings evill counsellors ther dissuasione, who did feare that such a journey should begett a better understandinge betuixt him and the Scottish. But ther second reasone is mor lycke, for ther, most ingenowsly, they tell us "when men simulat and macke a shew for to doe that of a free mynde which indeed necessitye constraineth them to doe for a tyme, there can be no firme peace expected:" so they tacke it for graunted that they forced some bodye to macke peace.

N. B.

LXIX. The Kings calling for fourteen noblemen of ther number begotte a great trepidatione amongst them, and they supposd it smelld ranke of a plott to seize upon them all together. They thought it very straunge that the pacificatione having been transacted by a farr fewer number, that wher ther was lesse to doe as they did suppose, that the King should call for a greater number: Therfor they resolve for to sende two of ther number for to excuse the not coming of the rest, who did present the King with ane excuse why the rest came not, which was drawne upp in a paper: The short summe wherof was,* That neither the King himself nor his father, since he went to England, had ever done the lycke, when ther was no feare nor jealousye: That his verball expressions of his being satisfeed with them (which they had diligently noted) wer now for the most pairt denyed by the King, which did breed jealousye in ther heartes. *Second*, That it was none of the articles of the peace that fourteen of ther number should come to Bervicke;

The King calls for fourteen noblemen of Scotland to come to Bervicke: refused; and two sent to make their excuse, also renewing complaints. Huntly, released, goes to the King. Covenanters jealous. Traquaire appointed commissioner to Assembly and Parliament. King challenges the Covenanters

* See True Representation, *pag.* 21, *et seqq.* [This paper will be found at length in Spalding's Hist. of Troub., vol. i., pp. 163, 164: and in Balfour's Annales, vol. ii., pp. 341—344.]

A. D. 1639.

for not performing articles. Covenanters' protestation at proclaiming the indiction of the General Assembly. Two answers to the King's challenge.

that if it had been proposed it woulde not have been graunted. *Third*, That ther enemyes wer countenanced, and ther actings called the Kings service ; and, upon the contrare, whole volumes wryttne against them, and particularly against thes who are called for : That ther wer heard threatnings of exemplar punishment against some of ther number ; that the northerne troubles wer not yet ceased ; that Bervicke was garisond, and other places upon the borders ; that the Castell of Edinburgh was fortifyd mor then ordinar ; that ther freends in Ireland and England wer stopp'd of ther trade ; some made prisoners for refoosing to sweare ane oath contrare to the Covenant (the oath of alledgance they meand), a thing contrare to the law of nationes. *Finally*, That whatever is comitted contrare to the articles of the pacificatione, they doe interpret as proceeding from wicked instruments about the King, who wer enemyes to ther peace, *etc.*

However, according to the capitulatione, the Kings castells and the ammunitione wer restord to the King, and Huntly released from his imprisonment, who came straight waye to Bervicke, wher the Kinge as yet laye, tacking course for fortifying of Edinburgh castell, and for to garrison Bervicke and Carlisle. Thus ther jealousyes wer growing ; the King shewing his aversnesse from coming to Scotland both for the reasons above expressed, as also because bothe the Queene and counsell of Englande had wryttne to him to come backe unto London with expeditione, because sundrye emergencyes of no small consequence requyred his presence ther : Upon the other pairte, the Covenanters wer jealousie of him, as may be seen in ther excuse for not coming to Berwicke.

Yet befor he went awaye, he appoynted John Steward, Earle of Traquaire, lord thesaurer, for to be comissioner to preseede both at the ensuing Assembly and Parliament ; nor was his haist such but, as they did remonstrate that which they thought unagreable unto the pacificatione, so the Kinge, upon the other syde, fell to challendge the Covenanters for not performing the conditiones, having gottne about a moneths breathing tyme for that pourpose : For ther was a paper sent from the King, of the date July eighteenth, to the cheife of the Covenanters, contaning the charge followinge :⁽¹⁾

First, That some English shippes wer abused at Leethe.

Second, That the Kings ammunitione was not all restored.

July 18.

(1) [Balfour's Annales, vol. ii., pp 334—336.]

Third, That ther forces wer not yet dismissed, and, in particular, Munroes regiment yet kepted a foote. A. D. 1639

Fourth, Generall Leslyes comissione not yet givne upp.

Fifth, Fortifications not so much as begunne to be demolished.

Sixth, Ther unlauffull meetings still kepted a foot, wherby the King his good subjectes are dayly pressed to adhere to ther unlauffull Covenant and pretended Assembly at Glasgow.

Seventh, Ther protesting against the Kings gratiouse declaratione of the acte of pacification published in the Scottish campe at Duncie.

Eighth, Ther protestatione made publickly at the time of the indictione of the Assemblye.*

Ninth, Ther protestatione made against the Kings commande for doune sitting of the sessione.

Tenth, Why seditiouse ministers, who, in ther sermons, preach seditiously, are not tackue order with?

Eleventh, Why the Kings good subjectes are deterred and threatned if theye shall come home to ther owne native countrey and houses?

Twelfth, The Kings subjectes are requyred to subscrib the actes of the late pretended Assemblye, or the Covenant with the additione.

Thirteenth, Order is not tackne with the persones who have comitted insolencies upon the Kings officers and other his good subjectes.

Fourteenth, None are admitted or allowed to be chosne members of the enswing Assemblye except such as doe subscrib and sweare to the ratificatione of the former Assemblye.

Fifteenth, The Kings good subjectes, who had sticke by the King and by his service, wer publickly railed upon in the streets and pulpitts, by the name of traitors and betrayers of the countreye.

Sixteenth, Ministers dayly deposed for not subscribing to the ordinance anent the pretended Assembly and Covenant.

Seventeenth, Why Balmerino and his associatts did stopp the King his good subjectes from coming to him when they wer ready and willing to have obeyd the Kings desyre and his commands?

Eighteenth, The paper divulged, [and] if they [will] avow the samen.

This paper was sent to the Covenanters some weekes after the indiction of the Generall Assemblye, which had been proclaimed at the merkatt

* *Vide postea*, [p. 28.]

A. D. 1639.

July 1.

crosse of Edinburgh, July first, wher, amongst other thinges, “all and sundrie archbishops, bishops, commissioners of kirks, and others having place and voice in the Assembly,” wer commanded to be present at Edinburgh against the twelfth of August ensuing, ther to hold a Generall Assembly, *etc.* This clause was ill tackne by the Covenanters, who wold not have had archbishops nor bishops mentioned, since they had disclaimed them at Glasgow. And since it could not be graunted, therfor they fall to to protest, after the macking of the proclamation :⁽¹⁾

First, That the Assembly of Glasgow was lafull, and to be followed in all its constitutions, particularlye in its deposing the bishops, *etc.* ; and that they wold obey its constitutions. *Second*, That ther covenant with God was lafull, to which they wold adhere ; and, *finally*, That the excommunicatione of the bishops was upon good groundes, and that the bishops wer not to be holdne for members of the churchie of Scotland, but to be looked upon as heathnes, and publicans, and incendiars, who fomented divisiones twixt King and people. This was the reasone of the Kings challenge, article eighth.

That very day lyckewayes, ther was a proclamacione published for doune sitting of the session, against which they lyckwayes did protest ; as you see, article ninth of the Kings challenge.*

The forsaid challenge was afterwarde contracted into fewer articles, *viz.* to eleven, in the little booke, entitled “His Majestyes Declaration concerning His Proceedings with His Subjectes in Scottlande, since the Pacificatione in the Campe neer Bervicke ;” printed at London, the next yeare, 1640. †

The foresaid challenge gott two ansuers ; one at the tyme that the paper was sent to them ;⁽²⁾ the other the next yeare, when the Covenanters printed ther booke called “A True Representatione of the Proceedings of the Kyngdome of Scotland, since the late Pacificatione, by the Estates of the Kyngdome, against mistackings in the late Declaratione, 1640. Printed (at Edinburgh) in the year of God, 1640.”

To the first they answer, That the processes ledde befor the bailiffs of Leethe, and depositions tackne befor Captain Feildoune, July twenty-

(1) [Historia Motuum, p. 394 ; Records of the Kirk, p. 231.]

* See it befor. [pp. 23, 24.]

† See 13, 14, 15, 16, 17, 18, 19, 20, pages of that Declaration.

(2) [This is printed in Balfour's Annales, vol. ii., pp. 336—340.]

second, will cleare this, and wisse that the pairtyes have contradicted themselves, so not to be beleved. A. D. 1639

To the second they answere, That the canon which were at Leethe were delivered already into the castell; and the rest should be delivered against Saturday at night. Next, that the musketts were delivered already; and if the thesaurer could prove that more were received by the Covenanters, more should be delivered. As for fifty-four barrels of powder, it shall be paid for. As for the ball, they were safe lying where they were.

To the third, They are content to disbande that regiment presently; but withall, they request that the King will dismisse the garrisons of Bervicke, Carlisle, and the rest of the borders.

To the fourth they answer, It is obeyed, and the generall has delivered up his patent of generallship.

To the fifth they answer, That the towne of Edinburgh pretende that, by charter and privilege granted by his Majesties predecessors, they have power and a right to fortifie Leethe, which must be discussed before it be taken away. Yet for to shew their willingness to give the King content, the works shall be stopped in one or two partes; and if King and parliament fynde that they must be cast downe, it shall be done, but at the Kings charges, not theirs.

To the sixth, They deny keeping of any but warrantable meetings, agreeable to actes of parliament; and though they must adhere to their most necessarie and lawful Covenant, yet (to their knowledge) none has been urged to subscribe it.

To the seventh, It is denied that any protestation was made against the Kings declaration; but, on the contrary, both at Dunee and Edinburgh, publicke thanksgiving was given, with a declaration that we adhere to the Assembly.

To the eighth, they say, They could not passe by the citatione of the bishoppes to the Assembly, without protestation; since their silence might otherwayes have implied that they acknowledged the bishoppes to be members of the Assembly.

To the ninth, That they protested not against the session, as if either all or any subject had power to hinder them, or discharge them; but only in respect of the times, which the leidges could not attend, nor had they their writings in readiness to persue or defende: Therefore they behaved for to protest for remedy of law, in case any thing should be done to their praejudice.

A. D. 1639. To the tenth, They know no such seditious ministers; and, when such shall be called before the judge ordinarie, they shall be punished according to justice.

To the eleventh, They know none of his Majesties good subjectes debarred or threatned, except excommunicat persones be meand, who, by the lawes of the countrey, should be rebels, and captione used against them: such being authors of all these evils, none can give assurance for their indemnity, they being odious to the people.

The twelfth is answered in the answer to the sixth.

To the thirteenth, The thesaurer thought it not fitt that the magistratts of Edinburgh should goe on in the strickest way of justice in that particular, as conceiving it praesudiciall to his Majesties service. Next, That they, having enquired after the actors, could fynde no proofes against any but against one Little, a barber, and the other was A WIFE AT THE
N.B. NEITHER BOW.

To the fourteenth, They deny it simplye; to their knowledge, no such matter.

To the fifteenth, Such as have railed in pulpitts or streetes shall be made answerable, and lyable to law for what they have spoekne, before the judge ordinarie.

To the sixteenth, It is denyed.

To the seventeenth, Balmerino was alreadye cleared from that imputatione; that he was not the cause of their stay; and those that did stopp them did it for the reasons contained in the paper heerewith given in.

To the last, they answer, As they are most unwilling to fall upon any questione which may seem to importe the least contradictione with his Majesty; so if it had not been the trust which they gave to the relatione of their commissioners, (who reported to them his Majesties gracious expressions related dayly to them at Dunee and putt in note by many of their number, which were a great deale to them more satisfactorye then the wryttne declaratione,) the same wold not have been acceptable, which did call the Assembly praetended, our humble and loyall proceedings disorders, our courses disagreeable to a monarchicall government; nor the castell of Edinburgh rendred (which was only tackne for the safety of the towne of Edinburgh), simply without assurance by wrytte of their indemnitye, except for the trust we reposed in their relatione, and confidence in his Majesties royall worde; which they beleaved his Majesty did not forgett,

but will bring thes who did heare the treaty to a right remembrance therof; which paper was only wryttne for that cause, lest either his Majesty or his subjectes should averr that they spacke any thing without warrant.

LXX. These answers wer all the satisfacione that the King gott at this tyme; so that it easily appeared that, whilst they beganne so soone to controverte upon the sence of the treatye, so quickly after the closre therof, it was not lycke that it could longe abyde a firme peace and agreement. The King, therfor, leaving Traquair behynde him as comissioner, returnes to London; wher he was no sooner come, but the Earle of Pembroke produces a copy of the forsaide paper at the counsell board, tellinge that the Scottish, at parting, had delyvered it to him as a memoriall of some verball conditions promisd by the King at the treatye. The paper (which I gave accounte of befor) being readde, it was voted by the King, be way of inquest, amongst all the lordes of the counsell of England, Whether or not such articles wer agreed unto by him with the Scottish? and it was answered in the negative, that the contents of that paper wer false and faigned: Whereupon ane acte of counsell was published, declaring against the Scottish paper, and ordaining it to be publickly burnd by the hangman; which was accordingly performed at Londone. The date of the acte of the English privy counsell is August eleventh, 1639.* This acte was very unsatisfactorye to the Covenanters; who, for justificatione of that paper, thus condemned, used all the meanes they could: For when ther comissioners came immediatly thereafter to London that winter, theye used all ther industry, by themselves and favouritts, to buy upp the coppys of that acte, which had been printed by the Kings warrant, and for to suppresse them. Lyckwayes, to such as knew not the particular, they made greate vse of the burning of that acte, to the Kings disadvauntage, for raising a new warre the yeare followinge; for the pulpitts spocke it out very lowdlye that the King had caused burne all the articles of the pacificatione at Bervicke, by the hand of the hangman, after his returne to Londone; which was beleeved by very manye, who, upon that accompt, looked upon the King as a truce breacker, and from that tyme fordwads contracted so great animositye against him, that they thought him not to be trusted; whilst ther oune papers, yet extant

A. D. 1639.

Sense of the treaty controverted. King returns to London. Pembroke delivers to the council a note of the King's verbal promises which the Scots had given him. Council declares them false, and orders them to be burnt by the hand of the hangman.

* See it *verbatim* in Sandersons Hist. of King Charles, *edit. prima*, pag. 271. [Rushworth's Historical Collect., vol. iii., pp. 965, 966; Nalson's Impart. Collect., vol. i., pp. 251, 252.]

A. D. 1639. in print, doe vindicate him by confessing that they coulde alledge no furdre of that paper, but that it contained verbal promises : Yet could they prove thes promises and concessions by no bodye but ther oune comissioners, who in that case could not be witnesses ; and ther credite so muche the mor questionable, that all such of the English nobilitye, at that tyme present with the Kinge, did disclaime ther being consciouse of such concessions.

Covenanters' second answers to the King's objections. LXXI. It will not be from the pourpose to insert the Covenanters ther second answers to the Kings objectiones, both which wer printed the next yeare ; wherby it will appeare that neither was the King content with ther first vindicatione, nor wer themselves confident that ther answers wer bas-

Objection 1. table encuche to hold twoch with the juditouse. Therfor, wheras the King in his Little Manifesto, 1640, befor mentioned, objectes ther protestatione against his declaratione, June eighteenth, 1639, they answer, That nothing was done at that tyme but what was befor done at the Kings campe.

Objection 2. "Secondlye," sayes the King, " They delyvered into the handes of some of our English nobilitye, and spred amongst others, a scandalouse paper intituled, ' Some conditions of his Majestys treatye with his subjectes of Scotland befor the English nobilitye, are sett doune heer for remembrance : ' Wherin are contained such untruthes and seditious positions, and so contrary to that which was concluded in the articles of pacificatione, as therby it did playnly appeare, that, however they pretended a desyre of peace, yet they intended nothing lesse. This false and seditious paper comming to our knowledge, was after, by the advyce, and upon the humble petitione of our privy counsell heer in Englande, and particularly, by such noblemen as wer pretended by them to be witnesses to the samen, ordered to be damned by proclamatione, and publickly burnt by the hande of the hangman : which was done accordinglye."

Answer. To this they ansuer, That the paper containing some of his Majestys expressions, in tyme of the treatye, which was putt in the handes of the English and others, and which we have remembred befor in its oune place, hath suffered innocently : for, *first*, it was the meane that brought aboute the pacificatione, and gave some satisfacione to his Majestys subjectes against certaine wordes and clauses of the declaratione, which, without that mitigatione, they would never have been able for to disgeste. *Second*, It did beare nothing contrary to the articles of the pacificatione, but was a mollyfying of his Majestys declaratione, that it might be the mor readily received by his Majestys subjectes. *Third*, That it had been impudencye to putte

into the handes of the English nobilitie a paper professing that which was openly spokne a little befor in ther oune hearinge, that it might be remembred afterwarde occasionalye, yet containing untruthes and seditiouse positiones, contrare to all that was done for peace. *Fourth*, When ther wer great murmurings against the wordes of the declaratione, that then ther comissioners wer very carefull to remember evry lenifying sentence and worde which proceeded from his Majestys mouthe; and the hearers wer no lesse carefull to note all, with ther pennes, which was by them related, evry man accordng as he was able to conceive; and thus, at first, ther wer relations different one from another both in worde and wrytte (ane evill very ordinary at such tymes), till our comissioners joyning did bring all to remembraunce, that neither mor nor lesse might be wryttne then was spokne, and what was wryttne might be delyvered to some of the Englishes, *ad futuram rei memoriam*. One thing, it may bee, hath fallne forthe contrarie to his Majestys desyre, that the paper hath come to the knowledge of straungers; which we may averr hath not been done by us, and which was impossible for us to avoide: for our comissioners, to bring about the desyred peace, could not, in ther relations, conceale his Majestys favourable expressions; and thois intended for our oune tranqwillitie, coming in so manye handes at home, have possibly been divulged, and unnecessarily carryed abroade, contrare to our intentiones and desyres. This, in the simplicitie of our heartes, we declare to be the plaine truthe of that which hath been befor and is now so much noysed; and it is very lykely that the smoacke of the fyre, and the hand of the hangman, have carryd it to the knowledge of manye who wold never have heard of it by the breathes and handes of others.

A. D. 1639

The summe of all this vindicatione comes to this, That the King and English nobilitie disclaimed the contents of that paper; and the Scottish comissioners contradicte them, whom the Covenanters thinke it fitter to beleewe then either the King or his English counsell.

Thirdly, The King objectes, That wheras they wer obliged to disbande within forty-eight howres after his declaratione was published, yet they had kept still some forces in bodyes, and kept ever since in pay almost all ther officers (weall neer a yeaere after the pacificatione, yow must suppose this was objected); wherby the King concludes they manifestly declared that they intended to tacke armes againe.

Objection 3.

To this they answere, as befor, That the regiments wer disbanded; but for

- A. D. 1639. — ther officers, they wer not kept in paye, but entertained by them till such tyme as they should be restored to ther oune, or called to some other service. This, say they, ought not to bee tackne for a breach or contempt, but for observation of the law of nature, and common aequitye, they being natives of Scotland, and having forsackne ther places and meanes for defence of the Covenanters and ther native countrey : finally, that thes officers could expect no lesse, nor they performe lesse, although the peace had been firmly concluded.
- N. B.

This answer I shall leave to the reader to judge of, it not being my part to make observations nor replies.

- Objection 4. *Fourthly*, The King objectes, That neither was the ammunition all restored, nor Leeth fortification demolished.

To this they ansuer, That all was restored except a few musketts and a little inconsiderable quantitye of powder (fifty-four barrell, I suppose, by ther oune confessione) remitted to compt and reeckning; that a pairt of Leeth fortification was demolishd (which might have been repaired in the space of few dayes, not to saye howres) for the Kings satisfactiōe, and the whole remitted by his Majestye to the towne of Edinburgh, as having right to the same.

- Objection 5. *Fyftly*, The King objectes, That he had licenced ther meetinges only to July twenty-first, 1639 ; yet that they had continowd to sitt still therin, consulting upon matters civill and ecclesiasticke, contrare to actes of parliament, and therein troubling all who will not subscribye ther Covenant, and adhere to the Assembly of Glasgow.

To the fyft they answer, confessing that they continowd ther meetings, but, say they, they are such as are warranted by actes of parliament, law of nationes, and the Kings permissione; that the ende therof was for ther mutwall releefe from ther common burthens, which the threatned invasiōe (*anno* 1640) caused grow greater; that they did nothing ther but consult for their oune necessarye defence, and for admitting of such to joyne with them as doe willingly offer themselves after ther straying from the Covenant, which they now acknowledge they ought from the beginning to have maintained.

- Objection 6. *Sextly*, The King objectes, That all fortificationes wer continowd, non demolishd.

To which they answer, That they know of no fortificatiōe but that of Leeth: to which they have ansuered.

Sevently, The King objectes ther spreading of scandalouse papers, and ther seditious sermons, wherby the people are animated for to deterre his good subjectes from returninge to ther owne houses ; as also that neither wer ther libertyes nor ther goodes restored to them, *etc.* A. D. 1639. Objection 7.

They ansuer, That although some non-Covenanters had laid ther compt for to enter into the houses and possessions of Covenanters, yet they had not done so by them, nor hindered any such for to returne to ther houses, albeit ther secrett wrytings, boastings, and railings, against the Covenanters had been manye. Heerin ther memoryes wer evill that remembered not that they did seize some of the bishopps rentes, as after shall be told, which was done before this answer was penned.

Eightly, The King objectes ther pressing subscriptions to maintaine the Assembly of Glasgow, and the tumult in Edinburgh against Aboyne, *etc.* Objection 8.

They answer, That whereas the King objectes that he could not approve the late Assembly of Glasgow "for the reasons conteyned in his former proclamatione," they say, it is weall knowne that the King in his declaratione commanded to blott out thes wordes "for the reasones conteyned, *etc.*," and it is printed in the seventh page of the declaration without it ; yet it behoved to be a contentiouse penne who had foysted in thes wordes againe, which the King caused blott out, therby macking matters worse then before. Next, for Glasgow Assembly, whatever was the power of the churche for to presse the oathe in ane ecclesiastick way and subscription, yet no man *de facto* was urged unto it, but some prevaricators who wold have cheated them, have been refoosed. As for the tumult of Edinburgh, they referr it to ther former ansuer. N. B.

Nynthly, The King objectes, That, in choise of comissioners to the Assembly at Edinburgh, 1639, August twelfth, they had anticipat the voices by macking the subjectes sweare to the actes of Glasgow ; nor would choose any but such as wold sweare to maintaine Glasgow Assemblye ; and, thirdly, did deterr others whom the King calld to be ther, threatning them with losse of lyves, *etc.* Objection 9.

To this they ansuer, That the King had acknowledged that the Assembly itselfe was fittest judge who wer to be its members ; secondly, *de facto*, they deny the challenge.

Tenthly, The King objectes, That they called all such as did adhere to him traitors to God and ther countreye ; wheras, upon the contraire, by the actes of parliament, subjectes are to ryse in armes with him, and such as Objection 10.

A. D. 1639. ryse in armes or rebellion against him, or comitte actes of hostilitye against his sacred persone, are declared traitors, and to incurre the paine of high treason.

To this they ansuer, That such as are traitors to God and ther countrey, must be traitors also to the King; that it is evill polieye to putt traitors to God and ther countrey upon one side, and traitors to ther King on the other; that thes three are not to be disjoyned; that they are to ryse with the Kinge when he is for God and the countreye, but no right nor acte of parliament forbiddes to stande for God and the countrey in caise of publicke invasione; that they love not to stricke on this string; and that such as have devyded King and countreye are drivne by the terrors of ther oune consciences, not by any threatts from them.

Objection 11. *Lastly*, the King objectes ther protesting against the sitting of the session, as a contempt of royall authoritye, and ane hurt to his good subjectes.

To this they ansuer, That because it was impossible for them to attende, they only protested for indemnitye, but did not tacke it upon them to hinder the sessione.

Acts of the General Assembly convened at Edinburgh, twelfth August, 1639; Traquair, Commissioner; Mr. David Dickson, moderator. Grievances of the Church. Acts of Assembly read relating to Episcopacy, from which the Commissione agreed that Episcopacy was contrary to the Acts of the General Assembly.

LXXII. But, having wearyed the readers patience with this dispute betuixt the King and Covenanters, it is now highe tyme for to give some accompt of the Assembly of Edinburgh, leaving this unsatisfactorie pacificatione, which the necessityes of bothe pairtyes drove them to acquiesce too, with a resolution for to improve it to ther best advauntage, one against the other, yet so as that both parted thence with grumblinge eneuche, as was cleare by the sequele; for it brought forth but a short livd peace, and proved but a weather breeder unto a second warre. Yet, being evill favouredly patched upp, it gave breathing tyme for the Generall Assembly at Edinburgh; which, because it was but the epitome and superstructure of the Assembly of Glasgow, and a confirmatione therof, wherin the Presbyterian pairtye gained grounde palpably upon the King and his authoritye, I shall therfor content myselfe for to give a far shorter accompt therof then I did of the solemne Assembly of Glasgow (as themselves terme it): And if God spare my lyfe, and give me leiseur to follow out the narratione of the troubles, I shall twoch what is most materiall in the followng Assemblies of the church, esteeming it not necessaيرة to transcribe all ther actes, after thes two Assemblies; which wer the basis and *entrada* to the presbyterian hierarchie for some tyme in Scottlande, and the foundatione wherupon threteen Assemblies wer reared, besyde the prodigious excreseens of anc

unto the virtwall continwall Assembly, under the name of the Comissione of the Church; which was aggregated to other church judicatories, as a necessary complement of the presbyterian government, for to supplye, in place of bishoppes or superintendents, the intervalls of Generall Assemblies; and, during that space, for to bee a crubb and brydle to overrule presbyteries and synods, as also for to controule Parliaments themselves, as theye beganne to doe, by the Kinge, putting in practise that coordinatione which for severall yeares in the raigne of King James the Sixth, they had enjoyed, and wer never at rest till duringe the raigne of Charles First, they wer reposest therof.

A. D. 1639.

ANE SHORT RELATIONE OF THE CHEIFE ACTES OF THE GENERALL ASSEMBLYE, WHICH WAS CALLED BY THE KING, AT EDINBURGH, AUGUST TWELFTH, 1639 ;

Johne, Earle of Traquaire, high thesaurer of Scotland, being delegated Comissioner from the King, and Mr. David Dickson, moderator.

The comissioners chosne from severall presbyteries⁽¹⁾ failed not to be

Sessio 1a.
August 12.

(1) [An imperfect roll of the members of the Assembly of 1639 is printed in the Records of the Kirk, pp. 237, 238. So much of it as relates to the Synods of Angus and The Mearns, Aberdeen, and Murray, is subjoined; opportunity having been taken to correct some obvious errors.

1. THE SYNOD OF ANGUS AND THE MEARNES.

“ Presbyterie of Meigill.

Mr George Somer [Symmer], minister at
Megill.
Mr George Halyburtowne, minister at
Glenyllay.
Elder, James Lord Cowper.

Presbyterie of Dundie.

Mr Andrew Wood, minister at Mony-
fuithie.
Mr John Robertsons, minister at Ochter-
hous.
Ruling elder, David Grahame of Fintrye.

Burgh of Dundee.

James Fletcher, Provost.

Presbyterie of Forfar.

Mr John Lyndsay, minister at Aberlemno.
Mr Sylvester Lamy, minister at Glames.
Mr Alexander Kinningmont, minister at
Kilmaur, [Kirriemuir.]
Ruling elder, James Lyone of Albar.

Burgh of Forfar.

David Hunter, Provost.

Presbyterie of Brechen.

Mr John Weymes.
Mr James Lighttowne, [minister at Dun].
Mr Lawrence Skinner, [minister at Na-
var].

Ruling elder, James Erle of Montrois.

Burgh of Brichen.

Robert Dempster.

Burgh of Montrois.

John Gorgeine [?], Bailzie.

Presbyterie of Arbroth.

Mr Alexander Inglis, at St. Vigeanes.
Ruling elder, John Auchterlony of
Corme [?].

Burgh of Arbroth.

Mr George Inglis, Burges.

A. D. 1639. present at Edinburgh against the twelfth of August, which was the day designed by the King for the downe sitting therof. That day, Mr. Alexander

Presbyterie of Mernis [Foordoun].

Mr James Reid, minister at Arbuthnot.

Mr Androw Mylne, at Fitteresso.

Mr Alexander Sympsone, minister at Conveth [Laurencekirk].

Ruling Elder, Sir Robert Grahame of Morphy."

II. THE SYNOD OF ABERDEEN.

" Presbyterie of Aberdeine.

Mr David Lyndsay, minister at Balhelvie.

Mr Androw Abercrommy, minister at Fentry.

Ruling elder, Johne Erle of Kinghorne.

Universitie of Aberdeine.

.....

Burgh of Aberdeine.

.....

Presbyterie of Deer.

Mr James Martene, minister at Peterhead.

Mr William Forbes, minister at Fraserburgh.

Mr William Jafray, minister at Achreddie [New Deer.]

Ruling elder, George Baird of Auchmedden.

Presbyterie of Alfyrd.

Mr Androw Strachan, minister at Tillinessel.

Mr William Davidstoune, minister at Kildrummy.

Mr Robert Skeine, minister at Forbes.

Ruling elder, Mr James Forbes of Hauchtowne.

Presbyterie of Ellon.

Mr William Strachan, minister at Meithlick.

Ruling elder, William Setoune of Shithine.

Presbyterie of Turreff.

Mr Thomas Mitchell, minister at Turreff.

Mr George Sharpe, minister at Fyvie.

Ruling elder, Charles Erle of Dumfermling.

Presbyterie of Kinkarne [O'Neil.]

Mr. Robert Forbes, minister at Eight.

Ruling elder, William Forbes, fear of Cor-sindae.

Presbyterie of Garioche.

Mr William Wedderburne, minister at Bathelnie [Old Meldrum].

Ruling elder, John Erskine of Balhagardy.

Presbyterie of Fordyce.

Mr Alexander Seatoune, minister at Banffe.

Ruling elder, Sir Alexander Abercrombie, Knycht.

Burgh of Coulen.

George Hemptsyd, Bailzie.

Burgh of Bampf.

Androw Baird, [Barges]."

III. THE SYNOD OF MURRAY.

" Burgh of Elgyne.

Mr John Dowglas.

Presbyterie of Elgyne.

Mr Gawine Dunbar, minister at Alues.

Mr Alexander Spence, at Birney.

Ruling elder, Thomas McKenzie of Pluscardy.

Presbyterie of Aberlour.

Mr John Weymes, minister at Rothies.

Ruling elder, Walter Innes.

Presbyterie of Strabogie.

Mr William Mylne, minister at Glasse.

Ruling elder, Patrick Gibsone.

Presbyterie of Forres.

Mr Patrick Tulloche, minister at Forres.

Mr John Brodie, minister at Auldyrne.

Mr William Falconer, minister at Dycke.

Ruling elder, Patrick Campbell of Bothe.

Burgh of Forres.

Mr John Dunbar.

Presbyterie of Innernes.

Mr James Vaiss, minister at Croy.

Mr William Frisell, minister at Conveth.

Ruling elder, Mr James Campbell of Moy.

Burgh of Innernes.

Duncan Forbes, of Coulloden, Barges."]

Henderson, who had preseeded at Glasgow, preached⁽¹⁾ and opned the Assembly, and desyred all comissioners for to give in ther comissions to the clerke; which, being performed, the sessione dissolved. A. D. 1639.

At the next sessione, Johne Steward, Earle of Traquair, thesaurer and Comissioner, gave in his comissione to be publickly reade and registred in the records of the Assembly; wherein the King excused his absence, being called away to England upon great and seriouse occasiones, "*quod quidem gravissimis maximique momenti negotiis reditum nostrum in Angliam urgentibus impediti jam præstare non possumus*"; yet, neverthelesse, graunting as full power to his comissioner to doe as if his Majesty had bene present in person, "*sicuti nos facere potuissemus si in nostra sacratissima personâ adessemus, secundum ecclesiæ consuetudinem, legesque prædicti antiqui regni nostri*;" wordes which I fynde much laid hold vpon by the Covenanters therafter in ther publick papers.* Sessio 2a.

After Traquairs comissione was reade, Mr. Alexander Henderson, late moderator, with consent of the members, did put five ministers⁽²⁾ upon liste for the moderators place. The suffrage downe waighed for Mr. David Dickson (of whom mention has been made befor), who was no sooner instald into the chaire, but he did give great thanks to Mr. Alexander Henderson, late moderator; and then turninge his discourse to the Assembly, beganne to shew what all of them ought to aime at.⁽³⁾

The fourth sessione of the Assembly, the Comissioner beganne to speacke and shew to the Assembly that amongst all the greavaunces of the subjectes which had givne occasion to the troubles (he wold not then dispute how reasonably or otherwayes) ther wer some which the Kings majesty had already abrogate by his proclamatione, and that it wold be to no purpose now to resume them or discusse thes thinges anew. He said, therfor, that in his judgement two thinges remained to be cleared, *First*, The personall crymes and delinquencyes objected to the bishopps, which he Sessio 4ta.

(1) [The "Sermon preached by the Reverend Mr Alexander Henderson, before the sittinge doune of the General Assembly begun the 12 of August, 1639," is printed in the Records of the Kirk, pp. 238—241.]

* True Representation, pag. 41; Historia Motuum, p. 396.

(2) [Mr. William Livingston, minister at Lanark; Mr. David Dick or Dickson, minister at Irvine; Mr. James Bonner, minister at Maybole; Mr. Andrew Cant, minister at Newbottle; and Mr. Alexander Somerville, minister at Dolphinton.]

(3) ["Mr David Dick, Moderatour, his Speech" is printed in the Records of the Kirk, pp. 242, 243.]

A. D. 1639. said the King desyred might be put to a legall tryall ; *Secondly*, Episcopacy itself, or the very functione and power of bishoppes ; and heerin he said that they had need all of them to consider seriously that the King being bredd upp in that churche wherin Episcopacye was approved, did expect solide arguments for to gaine his consent, and for to move him to resolve what he should determine therof in this churche : Therfor, he said, it was the Assemblyes pairt to stryve to satisfee the King in that particular.⁽¹⁾

The moderator answered to the Commissionair, telling him that the grievauces of the churche wer, *First*, The wante of Nationall Assemblyes for many yeares ; *Second*, The approbatione and ratificatione of corrupt Assemblyes, *viz.* of two at Linlithgow, the Assembly of Glasgow, of Aberdeen, of Saint Andrews, of Pearthe ; *Third*, The violent obtruding the practise of the Five Articles of Pearthe ; *Fourth*, And of the Service Booke, the Booke of Canons, and ane High Commission ; *Fifth*, The breach of ther Nationall Covenant, which was solemnly made with God ; *Sixth*, Episcopacye ; *Seventh*, Civill places of church men, and the tyranny of bishoppes, and ther usurpatione upon synods and all ecclesiasticall meetings. It is to this (said the moderator) that we impute all our evils, attesting God the searcher of heartes that it was ever ther ayme to obey the King, and obey his lafull commandes conforme to the lawes of the launde, whatever ther enemyes said to the contrarye ; and that albeit they judged that Kings wer subject to Chryste, and that all thinges wer to be rejected which should be founde contrarye to his glorie and kyngdome, yet that they would never suffer any injurie to be done, or any reproche to be offered to civill powers, as being Gods ordinaances placed above men for ther good.* And mor to this pourpose he added, all very plausible in appearance ; yet he spooke nothing *de jure* what he thought the people might doe by kings.

The Commissionaire answered, That this Assembly was indicted by the King, to the ende that it might be seriously enqwyred, and in the feare of the Lord, whither or not thes wer the only and true greivances of the church which the moderator had reckned out ; that if it could be shewed they wer such, it was aquitable for to remove them out of the church ; but if that could not be shewed, then it was most aeqwitable that they should be

(1) [See Records of the Kirk, pp. 244—246.]

* *Historia Motuum*, pag. 397. [Records of the Kirk, pp. 246—247.]

lettne alone: For instance (saies he), if Episcopacye be one of the greiv-
 aunces of the church, then lett it be shewed that it is contrarie to the
 constitutions of the church, and so of the rest. A. D. 1639.

The moderator undertooke for to prove that which the Commissioner
 desyred, *viz.* concerning Episcopacye, That ever since the reformation it had
 been the constant aime of the church of Scotland for to plucke upp Episco-
 pacye by the roote, and to restore the presbyterian government, whiche
 he conceived to be apostolicke; that the church had plucked it upp roote
 and braunch; and that albeit it had begunne to ryse at severall tymes ther-
 after, yet that it no sooner did sett upp its heade but it was crubbed.

The Commissioner saide that the best waye for shunning intricate dis-
 putes was, for to reade all that might be to that pourpose out of the regis-
 ters of the Assemblies themselves. But then ther arose a controversye
 what yeare they should beginne att: some would have them stepp backe as
 farr as the yeare 1560, which was the yeare wherein the reformed religione
 was established by the authoritye of Parliament: others urged to beginne
 ther searche twenty yeares afterwarde, *viz.* at 1580, because that yeare the
 Confessione of Faith was first subseribed. At last, by pluralitie of votes,
 it was agreed that they should beginne the reading of the actes of Assem-
 blyes at the yeare 1575; seinge that about that tyme the contest and
 struggle betuixt presbyteriall and episcopall government grew very re-
 markable (as has been told in the First Booke), till, *anno* 1580, Episcopacye
 was declared against. And then ther was [read] a passage of a letter wrytne
anno 1571, by Theodore Beza to Johne Knox, wherein Beza shewes that as
 Episcopacye had brought forth the Papaeye, so lyckwayes the psewdo-bishops,
 who wer the remaines of Poperye, would introduce Epicurisme; and withall
 exhorted him, that once having drivne the first out of Scotland, not to re-
 admitte the other.⁽¹⁾

The Commissioner answered, That he intended to urge nothing but that
 which should be satisfactorye to all honest men, but that ther wer some
 rockes on both handes, from which they wold doe best to keepe a loofe; and
 of that kynde he saide wer all suche thinges that obstructed peace and
 truthe; also, That he had it in his instructiones from the King, his mais-

(1) ["Sed & istud, mi Cnoxe, te ceterosque fratres meminisse velim, quod jam oculis
 pene ipsis cernitur, sicut episcopi Papatum pepererunt, ita Pseudo-episcopos papatus reliquias
 epicureisimum terris invecturos: hanc pestem caveant qui salvam ecclesiam cupiunt; & cum
 illam in Scotia profligaris, ne quæso illam unquam admittas," *&c.*]

A. D. 1639. ter, that he should leave nothing unessayed wherby both might be firmly established; meane whyle, That the Assembly wold doe weall to have a speciall regarde unto the Kings honor: which the moderator promised, in name of the rest, they should doe.

Before the following session the members of the Assembly, in the absence of the Kings Commissioner, made a fashione and kept a great rackett enquiryng what thes rockes wer; and they fell to advyse by what meanes truthe and peace might be established, and the King his honor preserved.

At the meeting of the Assembly, the moderator told the Comissioner, That all of them wer most willing to doe that which he had so earnestly urged upon them; and that no neerer way to truthe and peace could they fall upon then the Kings Majestyes owne overture, *viz.* That since ther is nothing that is now questioned, or can be controverted, but the late Assembly at Glasgow, 1638; which, since the King will not ratifie, we are not resolved to urge it now, yet so as this our resolutione be not tackne for a passing ther from, and that so much the rather because the King has promised that he will not urge us so to doe, because that he was informed that the subjectes had bounde themselves by many straite tyes for to maintaine the authoritye of that Assembly: That, therfor, it was best for to shunne both the extremes heedfullye.

The Comissioner ansuered, That thes rockes which he exhorted them to beware of wer happilye discovered; therfor he wished that, with a lycke happinesse, they might saile by them, and that, for his pairte, he should steer his course in the middle cbanell betuixt both the extremes.⁽¹⁾

Therafter, the clerke of the Assembly was commanded for to reade the actes of severall Assemblyes faithfully, and with a loude audible voice. They saye, that whilst the clerke was reading, at severall passages the Comissioner called for the principall register himselfe, and collationd exactly the extractes if they wer agreeable to the register itselfe: And whilst the clerke continowd for to read the rest of the actes against Episcopacye, the Comissioner interrupted him, desyryng him to passe to other greevances, telling, That he confessed that in that particular he was abundantly satisfied, *viz.* that Episcopacye was contrare to the actes of the Generall Assemblyes of the church. In the mean tyme, that all might know how good growndes the Assembly of Glasgow had proceeded upon in all ther actes, which wer

(1) [See the Records of the Kirk, p. 249.]

so much cryed out upon by ther enemyes and calumniators, the clerke continowd to reade the actes even unto the Assembly at Dundee, *anno* 1580.*

A. D. 1639.

In the following sessiones, the reasones wer reade against the Five Articles of Pearthe, the Six Assemblies, the Service Booke, Booke of Canons, Booke of Ordinatione and High Commissione (all which you may fynde at large in the historye of the Assemblye of Glasgow): And befor the rysing of the sessione, five wer named who should draw upp ane acte of Assembly, in due forme, concerninge the forsaide greivaunces.

LXXIII. In the eighth sessione of the Assemblye, August seventeenth, ther was givne in to the Assemblye, a paper directed from Mr. George Grahme, bishop of Orkney, containing ane abjuration of Episcopacye, subscribed with his hande; the which paper was publickly reade in the Assemblye, and thereafter it was appoynted to be registred in the Assembly bookes, *ad perpetuum rej memoriam*: Which was as followes:†

“To all and sundrye whom it effeires, to whose knowledge thir presents shall come, specially to the reverend and honourable members of the future Assemblye to be holdne at Edinburgh, the twelfth day of August, 1639 yeares: Me, Maister George Grahme, sometyme pretended bishopp of Orkneye, being sorrye and greeved at my heart that I should ever, for any worldly respectes, have embraced the order of Episcopacye, the same having no warrant from the Worde of God, and being such ane order as hath had sensiblye many fearfull and evill consequences in many pairtes of Christendome, and particularlye within the kirke of Scottlande, as by dolefull and deplorable experience this day is manifeste, to have disclaimed, lyckes, I be the tenour heerof, doe altogether disclaime and abjure all episcopall power and jurisdictione, with the whole corruptiones therof, condemned by laufull Assemblyes within the said kirke of Scottlande, in regarde the same is such an order as is also abjured within the said kirke, by vertwe of that nationall oathe which was made in the yeares 1580 and 1581; promising and swearing by the great Name of the Lord our God, That I shall never, whyles I live, directly nor indirectlye, exerce any such power within the kirke, neither yet shall I ever approve or allowe the samen, not so much as in my private or publicke discourse; but, on the contrarye, shall stande and adhere to all the actes and constitutions of the late Assemblye holdne

Graham, bishop of Orkney, abjures Episcopacy. Mr. Patrick Adamson. Causes and remedies of the bygone evils of the kirk, drawn up by a committee. Vote is put concerning them: the Commissioner's vote is asked; he declines till all had voted; vote concluded in the affirmative. Commissioner agrees, in the King's name, to the abolishing of Episcopacy, and declares the King should ratify and enact it.

Sessio 8va.
August 17.

* *Historia Motuum*, pag. 400. [Records of the Kirk, p. 250.]

† See *Print Actes*, pag. 1. [Records of the Kirk, p. 204; Rushworth's Hist. Collect., vol. iii., p. 957.]

A. D. 1639. at Glasgowe, November twenty-first, 1638, last by past, and shall concurre, to the uttermost of my power, sincerely and faithfully, as occasione shall serve, in executing the saides actes, and in advauncing the worke of reformation within this launde, to the glorye of God, the peace of the countrie, and the confort and contentment of all good Christians, as God shall be my helpe. In testimony of the which praemises, I have subscrybed thir presents with my hande, at Brecknesse, in Stromnesse, the eleventh day of Februarye, the yeare of God 1639 yeares, befor thir witnesses, Mr. Walter Steward, minister at South Ronnaldsoye; Mr. James Hynd, minister at Kirkwall; Mr. Robert Peirson, minister at Firth; and Mr. Patrick Grahme, minister at Holme, my sonne."

I have sett downe the very true coppye of the abjuration, being, as I suppose, a peece wherof few patternes are to be founde, except that of Mr. Patrick Adamson, bishop of St. Andrewes, whose abjuratione⁽¹⁾ is saide to have been extorted from him whilst he was a dying, and in such extreme necessitye that he was glad for to subsigne any thinge for his maintenance. The constant report beares lyckwayes that Mr. Patrick Adamson subscrybed *fide implicita* whatever was presented to him at that tyme: Whether it wer so or not, I will not positively affirme, being acted many yeares since; however, it is sure that the Presbyterians made no great objectione or use afterwarde of Mr. Patrick Adamson his deede: But this was farr beyond it; severall bishoppes, through age or for other reasones, have been hearde to laye downe thier charges, and to have reteered from the world; but in this acte Mr. George Grahme out went them all, who, having lived bishop for severall yeares with a qwyett conscience, at last renounced and abjured it as ane antichristian functione, yet no arguments to macke him doe so, but the actes of the Assembly of Glasgow.

His abjuratione rendered him verye detestable to the episcopall pairty, and it is questionable if he was beleevd for all that, by the presbyterians. Joseph Hall, bishop of Norwiche, wrytinge about that tyme a treatise to justifie the *jus divinum* of Episcopacye, lets him not slipp, but in that booke falls upon him with a sharpe and disdainfull expostulatione. But to our pourpose againe.

Heerafter was presented the aete containing the causes and remedye of the bygone evils of the kirke, which had been appoynted to bee drawne upp

(1) [See Calderwood, pp. 260—265; Archbishop Spottiswood, p. 385.]

by a comitte, and it was publickly reade,⁽¹⁾ and after, by uniforme voice, A. D. 1639. was approved and enacted. The acte was as followeth :*

“ The Kings majesty having graciously declared, That it is his royall will and pleasure, that all questions about religion, and matters ecclesiastickall, be determined by Assemblies of the kirke ; having also, by publicke proclamatione, indicted this free nationall Assemblye, for settling the present distractione of this kirke, and for establishing a perfect peace against such divisiones and disorders as have been sore displeasing to his Majestye, and greivouse to all his good subjectes : And now his Majestyes Comissionar, John Earle of Traquaire, instructed and authorised with a full comission, being present and sitting in this Assemblye, now fully convened, and orderly constitute in all the members thereof, according to the order of this kirke, having at large declared his Majestyes zeale to the reformed religion, and his royall care and tender affectione to this kirke, wher his Majestye had bothe his birth and baptisme, his great displeasure at the manifold distractions and divisions of this kirke and kyngdome, and his desyres to have all our woundes perfectly cured, with a faire and fatherly hande : And although, in the way approve by this kirke, tryall hath been tackne in former Assemblies befor, from the kirke registers, to our full satisfactione, yet the Comissioners grace macking particular enquiry from the members of the Assemblye, now solemnly convened, concerning the reall and true causes of so many and great evils as this tyme past had so sore troubled the peace of this kirke and kyngdome, It was represented to his Majestyes Comissioner by this Assemblye, That, besyde many other, the maine and materiall causes wer, *First*, The pressing of this kirke by the prelatts with a Service Booke or Booke of Common Prayer, without warrant or directione from the kirke, and containing, besydes the popish frame thereof, diverse popish errors and ceremonyes, and the seeds of manifold grosse superstitions and idolatryes, with a Booke of Canons, without warrant or directione from the Generall Assemblye, establishing a tyrannical power over the kirke in the persones of bishopps, and overbrowning the whole discipline and government of the kirke by Assemblies, with a Booke of Consecratione and Ordinatione, without warrant of authoritye, civill or ecclesiastickall, appoynting officers in the house of God which are not war-

(1) [By “ Mr. Andro Cant, he having a strong voice.” Records of the Kirk, p. 251.]

* See Print Actes, *pagg.* 2, 3, 4 ; [Records of the Kirk, pp. 204, 205 ; Rushworth's Hist. Collect., vol. iii., pp. 958, 959.]

A. D. 1639. ranted by the word of God, and repugnant to the discipline and actes of our kirke, and, with the High Comissione, erected without the consent of the kirke, subverting the jurisdictione and ordinarye judicatorys of this kirke, and giving to persones meerly ecclesiasticall the power of both swordes, and to persones meerly civill the power of the keyes and kirke censures: A *second* cause was the Articles of Pearth, viz. the observatiōe of festivall dayes, kneeling at the communione, confirmatione, administratione of the sacraments in privat places, the which are brought in by a null Assemblye, and are contrarye to the Confessione of Faith, as it was meaned and subscriybed 1580, and diverse tymes since, and to the order and constitutiones of this kirke: *Thirdly*, The chaunging of the governement of the kirke, from the Assemblyes of the kirke to the persones of some kirkemen, usurping prioritye and power over ther bretheren, by the way and under the name of episcopall governement, against the Confessione of Faith, 1580, against the order sett downe in the Booke of Policye, and against the intencion and constitutione of this kirke from the beginning: *Fourthly*, The civill places and power of kirkemen, ther sitting in session, counsell, and in exchequer; ther ryding, sitting, and voting in parliament, and ther sitting in the bench as justices of peace, which, according to the constitutiones of this kirke, are incompatible with ther spiritwall functione, lifting them upp above ther bretheren in worldly pompe, and doe tend to the hinderance of the ministrie: *Fyftly*, The keeping and authorising corrupt Assemblyes, at Linlithgow, 1606 and 1608; at Glasgow, 1610; at Aberdene, 1616; at St. Andrewes, 1617; at Pearth, 1618, which are null and unlawfull, as being called and constitute qwyte contrarye to the order and constitutiones of this kirk, receaved and practised ever since the reformation of religione, and, withall, labouring to introduce novationes into this kirke against the order and religione established: A *sext* cause is, the wante of laifull and free Generall Assemblyes, rightly constitute of pastors, doctors, and elders, yearlye or oftner, *pro re nata*, according to the libertyes of this kirke expressed in the Booke of Policye and acknowledged in the Act of Parliament, 1592. After which, the whole Assemblye, in one heart and voice, did declare, that these and such other, proceedinge from the neglect and breache of the Nationall Covenant of this kirke and kyngdome, made in *anno* 1580, have been indeed the true and maine causes of all our evils and distractiones: And, therfor, ordaine accordinge to the constitutiones of the Generall Assemblyes of this kirke, and upone

the growndes respective above specifyde, That the forsaid Service Booke, Bookes of Canons and Ordinatione, and the High Comissione, be still reiect: That the Articles of Pearthe be no more practised: That episcopall government, and the civill places and power of kirkemen, be holdne still as unlauffull in this kirke: That the above named pretended Assemblies, at Linlithgow, 1606 and 1608; at Glasgowe, 1610; at Aberdeen, 1616; at St. Andrews, 1617; at Perth, 1618, be heerafter accompted as null and of none effecte: And that for preservation of relligione, and preventing all such evils in tyme comminge, Generall Assemblies, rightly constitute, as the proper and competent judge of all matters ecclesiasticall, heerafter be kept yearly, and oftner, *prorenata*, as occasione and necessity shall requyre; the necessity of thes occasionall Assemblies being first remonstrate to his Majestye by humble supplicatione: As also, that kirke sessiones, presbytries, and synodall assemblies, be constitute and observed according to the order of this kirke."

A. D. 1639.

Before the vote was past,* the moderator asked the judgement of a number of the oldest ministers: Who had long discourses concerninge the former state of the church, its puritie, and the zeale of the ministrie at that tyme; which was afterwards quelled, so that they wondered much that God did not poure a judgement downe upon thes apostates: That the restoring of all now to its former puritie had revived the former zeale; which looked to them lycke a dreame: Finally, they gave many thankes to the Kinge, whom God was thus pleased to macke instrumentall to restore his mother church into its former splendour.

Therafter, the moderator desyred that any who had any scruple might propose it; but all keeping silent, the moderator asked the lord Commissioners vote first. He protested that he might give his voice in the last place, telling the moderator that he had it in his instructiones not to vote till he first heard the judgement of the Assemblye, and then accordinglye to approve, as he saw occasione; albeit (sayes he) it be not hard to judge by your countenances, and the discourses of thes grave pastors, what your vote will bee. His desyre was graunted, and the vote was concluded in the affirmative (for none came ther who wer otherwayes mynded).

Then the Kings Commissioner saide, That he had oftn told to the venerable Assembly, and now he repeated it, that it was the Kings will, and had givne it to him in his instructiones, that if Episcopacye wer declar'd un-

* *Historia Motuum*, pag. 405. [Records of the Kirk, pp. 251, 252.]

A. D. 1639. lauffull by the judgement of this synode, and contrare unto the constitutions of this church, (as they had oftne remonstrated in ther supplicationes); that in that caise he should consent to the judgement of the Assemblye, and that he should ratifie it, and enacte it: Therefor he said that he approved that acte, from his heart; meanwhyle, that he was assured that none wold tacke it in ane evill pairt, that the Kinge had not been so haistye in his consente to this bussinesse, as many would have wished, if they would but consider wher and what waye the King was brought upp, and that he was not only King of this kyngdome, but of other two kyngdomes, which doe approve that which is heer rejected: Therfor, if heertofoer any have been scrupled, he hoped ther feares might now be tackne awaye: Furder, That it was the pairt of the Assemblye for to make knowne unto the people the Kings bounty and justice: Finally, That what he had spokne with his mouthe he was willing to subscribye with his hande; promising to give in to the clerke, in wrytte, the declaratione of his consente, and that he should ratifie this acte in the ensing parliament: which he did accordingly, in the twenty-third sessione of this synode, *Augusti* thirtieth, in the manner followinge:*

“ I, Johne Earle of Traquair, his Majestyes Comissioner in this present Assemblye, doe, in his Majestyes name, declare that, notwithstanding of his Majestys owne inclinatione, and many other grave and weightye considerationes, yet suche is his Majestyes incomparable goodnesse, that, for settling the present distractiones, and giving full satisfactione to the subjecte, he dothe allowe, lykeas I, his Majestyes Comissionaire, doe consente to the forsaide acte, and have subscribed the premisses.”

And immediatly thereafter, the Kings Comissioner reade and gave in the declaratione followinge, in the termes that the print acte recordeth it in thes wordes:

“ It is alwayes heerby declared by me, his Majesties Comissioner, That the practise of the premisses, prohibited within this kirke and kyngdome, outwith the kyngdome of Scottlande, shall never bynde nor inferre censure against the practises outwith the kyngdome.”

This declaratione, when the Comissioner requyred to be insert into the register of the kirke, and the moderator, in name of the Assemblye, refused to give warrant for such practise, as not agreable with a good

* See Print Aetes, *pag.* 13. [Records of the Kirk, p. 208; Rushworth's Hist. Collect., vol. iii., p. 963.]

conscience, the Comissioner urged that it should be recorded, at least that he had made such a declaratione, whatsoever was the Assemblies judgement in the contrare: Wherupon they gave waye to inserte it into ther register, "*vocitative* only"; I give yow ther owne termes. A. D. 1639.

The ratificatione of the former acte was in effecte a materiall and solide ratificatione of all the most important actes of the Assembly of Glasgow; thus Episcopacye and Pearth Articles, whiche wer wounded at Glasgow Assembly, received ther deathes wounde at this Assemblies, by the Kings constrained consent, who saw that either he must give waye to it, otherwayes it would be done without his approbatione.

LXXIV. In the following sessione, August nineteenth, Mr. Alexander Lindsay, bishopp of Dunkelde, sent his letter to the Assembly, wherin he renounced Episcopacye, and abjurd it, as Mr. George Gralme had done; declaring it to want warrant from Gods worde, and to be contrarye to the Covenant and constitutions of this church.

From the ninth to the sixteenth sessione some privatt debates wer disputed, and the grievances of severall churches wer canvassed.⁽¹⁾ Ther

Lindsay, bishop of Dunkeld, abjures episcopacy. The King's Large Declaration condemned. A supplication to the King to

(1) [SESSION THIRTEENTH, 22 August: "The Bill of Invernes against their Minister, referred to the Provinceall Assemblies.

"A Supplication for the change of the Presbitrie seat of Mearnes, referred to the Committe for the Billes." Records of the Kirk, p. 257.

SESSION FOURTEENTH, 23 August: "After prayer, the Moderatour desired the four severall Committees to give in their diligence; and, first, for the north, Mr David Lindsey [minister at Belhelvie], Moderatour of that Committe, gave in the summe of the proces against Mr George Gordoune, which was found to have beine clearlie proven, and the Assembly did approve the sentence of the Commission against him.

"A Supplication from Mr James Sandilands, Canonist in the Kings Colledge of Aberdeene: That whereas the late Commission from the Generall Assemblies had abolished the said facultie whereof he was Professor, did therefore supplicat the Assemblies for annulling the said Act, in respect he was only cited before the Commission to be examined upon his personall carriage; and, therefore, neither had they warrant to doe farther, nor he was bound to answer them in further, and that becaus there were not a sufficient quorum there present at that tyme.

"The Assembly, at the desire of the Commissioners Grace, delayed it till the next Session." *Ibid.*

SESSION EIGHTEENTH, 26 August: "A Supplication from Mr Thomas Tullidaff, minister at Foverane, a man of 98 years, having bein a minister 57 yeares; that whereas he had demitted his place in favour of Mr John Patersone for the soume of 400 merkes a-yeare, and having no better securitie but the said Mr. Johns simple bond, who may be transported or suspendit, &c., and so the old man prejudged, therefore did supplicat for ane Act of the Assembly in his favours, that he might be secured of the forsaid soume during his life; to the which the Assemblies willinglie condescendit." *Id.* pp. 260, 261.

SESSION NINETEENTH, 27th August: "A Supplication of the province of Aberdeine upon the cruell oppression and persecution of the enemies of this Church and Kingdome,

A. D. 1639.

call it in and disown it, and supposed authors particularly Dr. Balcanquhall, dean of Durham) should be sent to Scotland to answer for it before the Parliament. The supplication itself, *verbatim*.

Sessio 9.
August 19.

Sessio 16.
August 24.

complaintes wer lyckewayes heard, who complained that they wer wronged by the proceedings and sentences of the comittyes who wer nominate by the Assembly of Glasgow; whose proceedings wer either ratifyd or disallowed, as the Assembly founde most fitting: all which was done mostly in the presence of the Kings Comissionaire.

The sixteenth sessione of the Assembly was remarkable for the complainte of some members of the Assembly givne in against a booke which they looked upon as a greate eye sore. This was the Kings Large Declaratione, wherein ther is historically deduced such passages as wer most remarkable, from the very first uproare in Edinburgh, July, 1637, unto the tyme that Hamiltounne commanded the Assembly of Glasgow to ryse, under paine of treasone. That booke lyckwayes containes an inventaire of the Kings proclamations and declarations during the forsaide space, and, in the closure, his resolutione concerning the Covenanters. In it lyckwayes are to be seene the severall protestationes and remonstrances of the Covenanters, with the King his observationes therupon: A booke which now beganne to be qwarrelled first in publick and judicially, and afterward was condemned in the Parliament, 1641; as shall be related in its owne place, God willing: Yet whatever bustling was made about the perusall and censure thereof, and its untruthes affirmed to be contained therein, it gott never ane answer to this daye; and possibly will be answered when the doctors of Aberdeens duplyes are refooted. It was the opinion of many wyse men that the inno-

daylie lying in wait for their lyves, so that Ministers were forced to retier themselves, and not to come to their flockes, recommended most humbly and earnestlie to the Parliament."

"The Bill for the change of the Presbitrie seat of Mearnes referred back to the Presbitrie."

"Sir Alexander Carnegie of Bonnymoonne having built a Church upon his owne expences, did supplicat that it might be decerned to be a distinct parochie.

"As lyckwayes a Supplication of Duncan Campbell of Glenlyon, to the same effect, referred to the Parliament."

"Mr James Sandilands, canonist, his Supplication being againe presented to the Assemblie, and many pressing arguments why the flacultie could not be abolished, used by the said Mr James, which gave great light to the Assemblie, the Assemblie appoynted Mr John Adamson, David Lindsey, James Bonar, Doctor Strang, to consider of it till the morrow, and then to give their best overtures in writt." *Id.* pp. 261, 262. [No farther notice of this matter appears.]

SESSION TWENTIETH, 28 August: "Bonymoons Bill for erecting of a new Kirk distinct from the Kirk of Brechin, being read and the reasons of both being read, the Assembly grants the said Bonymoonne his desire, without prejudice of any parties civil right, which they reserve to any judge competent." *Id.* p. 264.

SESSION TWENTY-FIRST, 29 August: "The Acts of the Assemblie ratified, against Salmond Fischong on the Sabbath, upon a Supplication of Johnne Forbes of Leslie." *Ibid.*

cent booke had not mett with so harsh a measure, mor then others of the Kings papers did, which wer passed by at the pacificatione, and the narrations either not qwarrelled or buryd in ane acte of oblivion, had not that booke, in a certaine place,* made so farr bold with the Marquesse of Argyll, as to conclude him a knave, by the force of a necessary consequence, from ane discourse and expresseione used by him in the Assembly of Glasgow, the preceeding winter. But to our purpose.

A. D. 1639.

The complainers (whose names I meete not with) did ther affirme That all the church of Scottlande, and many of the principal members therof, wer highly wronged and intollerablye calunniate by that booke, which, said they, albeit it was published under the Kings name, yet that it did most impudently belye his name : They challendged it for macking the King relate the historye of the preceeding actions, as if himself had been present at evrye one of them ; yet was this an innocent challendge, for he who will attentively peruse that booke will fynde no suche thing in it : Furder, they alledged that it was so stuffed with reproaches, and calumneyes, and wrestings, and falshoods, that it could containe no mor.

The Comissioner pressed them for to waive ther complainte against that booke, and lay by ther challendge, or if they wold not graunt to doe so, at least that they would be mor sparing and mannerly in ther language, seing that it was a booke which was superscrybed with no other name, and no lesser title then the Kings Majestyes.

The Earle of Rothesse, who was one of the ruling elders, answered, That all who wer present did seriously laye to ther heart the Kings honor ; yet that a severe censure of suche ane infamous lybell (so he was pleased to terme it), could no waye praejudice the Kings honor, being that it was clearly knowne to all that the King was not the author ; therfor that the credite of the church was to be vindicated, and that the Kings name prefixed to a booke that was none of the Kings, could no mor free the author from punishment, no mor then the Kings image upon counterfytte money could free a coynor of false money from punishment according to the laws. And others said that they had heard the King affirme things contrary to the contents of that booke.

* Large Declaration, pag. [326. " And now if by his owne confession hee carried things closely for the Covenanters advantage, being then one of the Lords of Our secret Councell, and that in the end hee must openly joyne with them or bee a Knave ; what hee hath proved himselfe to bee by this close and false carriage, let the World judge." See above, vol. ii., pp. 171, 172.]

A. D. 1639.

The result of all was, that ther should be a comittye nominated who should peruse that booke, and give in to the Assembly a reporte of all that they found amisse therein: It is affirmed that heerafter ther was a diligence givne in to the Assembly,⁽¹⁾ which was publickly read in the Assembly. Therafter the moderator fell to enqwyre the judgement of the gravest bretheren, and some of the most eminent ruling elders: Amongst others the Lcrd Kircurbright his vote is remarkable, to that purpose, he said, that it was much to be regrated if some other good men (he meaned Bastwicke, Burton, and Pryne), had ther eares cropt for wryting of some bookes else wher in ther oune name, if such grosse rowges as thes who had made bold with the King should not have ther heades cutt off for ther paines. To this the Moderator replyd, that such a sentence was without the sphere of the Assemblies power.⁽²⁾ At last, it was agreed that a supplicatione should be drawne and sent to the Kinge, humbly beseeching him to call in that declaratione, and to declare against all the lyes therein contained, wherof it was appoynted that a note should be sent unto him; finally, that all the authors and favourers of that booke, at least such of them as wer natives of Scotland, might be send to Scottlande, and caused ansuer ther befor the judges competent; but in speciall that his Majesty wold be pleased for to give orders for presenting Dr. Balcanqwell (of whome I have had occasione to speacke ofne before), lately constituted deane of Durhame, that he might ansuer befor the Parliament; and that, because he did boast himselfe to be the author therof, that by his exemplar punishement others might be searrd from raising upp animosities betwixt the Kinge and subjects, or sowing sediti^one betwixt them.

The supplicatione was afterwarde delyvered to the Kings Comissioner, who did communicate it to the parliament afterwarde, and promised to the Assembly to present it to the Kinge.

I have conjoyned all that was spokne or done concerning the Large Declaratione (albeit it be true that the supplicatione was not enacted till session twenty-third, August thirtyth), least it should heerafter interrupte the narrative of other passages.

The supplicatione *verbatim* is to be scene printed amongst the actes of

(1) [An abstract of it is printed in the Records of the Kirk, pp. 265—268.]

(2) [Historia Motuum, p. 409. "Mr Andro Cant said—It is [so] full of grosse absurdities that I thinke hanging of the author should prevent all other censures. The Moderatour answered—That punishment is not in the hands of Kirkmen." Records of the Kirk, p. 268.]

that Assembly :* Which afterwardees gave but little satisfacione unto the mor intelligent, because in that Assembly, and in the following parliaments, they kept such a clamour and bustlinge against the Large Declaratione, and chal- lended it of so many lowde lyes, all which wer affirmed to be drawne upp in one collectione; yet to this day, thes lyes are not instanced. The sup- plicatione, howbeit, for substance, the same with what is above related, yet I have heer sett downe :

A. D. 1639.

“ We, the members of this present Assembly, for onrselves, and in name of the severall presbytryes, brughs, and vniversityes, for which we are comissioners, resenting the greate dishonour done to God, our king, this kirke, and whole kyngdome, by a booke called a Large Declaratione, have heer represented the same unto your grace, and have collected some, amongst many, of false, grosse, and absurde passages; That, from the consideration therof, your grace perceiving the intollerable evils forsaide contained therein, may be pleased to represent the same to our gratiose Sovereigne, and, in our behalfs, humbly to beseeche his Majestie, so much wronged by the many fowle and false relations suggested and perswaded to him as truthes, and by stealing the protection of his royall name and authoritye to such a booke its patrocinye: To be pleased, first, to call in the saide booke, and thereby to shew his dislycke therof: Next, to give comissione and warrante to cite all such partyes as are knowne or suspected to have a hande in it, and to appoynte such as his Majestye knowes to be either authors, informers, or any waye accessarye, being natives of this kyngdome, to be sent hither to abyde ther tryall and censure befor the judge ordinarye; and, in speciall, Mr. Walter Balcanqwell, now deane of Durham, who is knowne and hath professed to be the author, at least avower and maintainer, of a greate pairte therof; that, by ther exemplar punishment, others may be detterred from such dangerouse courses, as in such a waye to raise seditione betuixt the Kinge and his subjectes, Gods honour may be vindicate from so highe contempt, his Majestyes justice may appeare, not only in cutting awaye such malefactors, but in discouraging all such undermynders of his throne, his loyall and loving subjects shall be infinitely contented to be cleared befor the world of so false and unjust imputations, and will live heerafter in the greater securitye when so dangerouse a course of sedition is prevented, and so will have the greater and greater cause to pray for his Majestyes prosperouse raigne.”

* Assembly, Edinburgh, p. 9. [Records of the Kirk, pp. 206, 207; Rushworth's Hist. Collect., vol. iii., pp. 960, 961.]

A. D. 1639.

Traquaire, the Comissioner, received ther supplicatione, and promised to imparte it to the Kinge, and to report a diligence therein. However, it is now tyme to leave further mentioning of it till the parliament 1641.

Commissioner desired to subscribe the Covenant, and authorise an act enjoining the subscribing it. The Commissioner's answer. A supplication to the Commissioner and lords of council for subscription of the Covenant. The council grant an order accordingly. Commissioner as a subject subscribes the Covenant; as Commissioner adds a declaration. The Assembly appoint the Covenant to be subscribed by masters of Colleges, &c., with a declaration prefixed. Last session: a supplication to the King: next Assembly appointed to be at Aberdeen, 1640, last Tuesday of July. Act for visiting the Universities. Sessio 20. August 28.

LXXXV. In the twentieth sessione of the Assembly, the moderator declared to the Comissioner that it was the desyre of all the Assemblye that not only his grace for himself would be pleased to subscribe the Covenante, but that lyckwayes he wold give his consent to ane acte ordaininge all subjectes to subscribye it. To this desyre, the Comissionair answered, That the two partes of the Covenant wer of diverse natures; first, the Confessione of Faith, concerning which he said that now ther could be no questione, he being fully perswaded that both the formall words therof, and the explanatione therof by the Assembly, at his subscriptione therof, August seventeenth, wer true: Yet he saide that the other pairte of ther Covenant, *viz.* ther mutwall bande against all men whatsomever, was a pille that some could not easily digeste. This, he saide, in his judgment, could be helped easily by ane handsome explanatione therof, whereby the King might be satisfiend therin, who fownde himselfe not a little concerned therin. But this could not be graunted; for the moderator answered the Comissioner that the synode could saye no further in vindication therof then had been saide befor: yet the matter was referred to the next meeting of the Assembly, *sessio* twenty-first.

I fynde nothing mor of publicke concernment that past in this sessione, except ane acte of grace to deposed ministers, to the following pourpose: That all synods, by ther recommendatione (for command I fynde none) had it left to ther arbitrimt, that all ministers who wer deposed by them for subscriybing the bishopps Declinator, and reading the Service Booke, and no other grosse fault, upon ther trwe repentance and submissione to the constitutions of this kirke, and upon ther purgation and cleannesse from any grosse faultes laide to ther charge in any new processe against them, they may be founde by the synods capable of the ministrye, when God grauntes them ane ordinary and lafull callinge, by admission from the presbytrye, either in the church they served in befor, or in any other churche.⁽¹⁾

A whyle after this, the lately deposed episcopall ministers beganne to crowde so thicke at this wicket into ther owne pulpitts againe, by the assistance of ther parishoners, that in the following Assemblyes this latitude was restrained; and though all wer permitted to repent, yet (as after shall

(1) [Records of the Kirk, p. 205.]

be told), none wer permitted any mor to repoesse thei owne churches or benefices; but they behoved to expeete ther call to some new place. Nay, and when that was not sufficient to keep them out, ther wer mor barriers of a long progresse of going from one churche judicatorye to ane other laide in ther waye, that either they might dye in the wilderness, or give over a tedious attempt, or fully prostitute ther consciences: But of all this afterward, God willinge.

A. D. 1639.

The twenty-first sessione conveend againe the next day, being August twenty-ninth. Ther they beganne to consult and argwe what course wer best to be tackne for to have the Covenant imposed upon all by a law or statute. It was thought fitt that to this purpose a supplicatione should be drawne and presented to the Kinge his privie counsell, whairby they should be besought for to enioyne the subscriptione of the Covenant (rather Confessionne of Faith), as once befor had been done upon all subjectes of the kyngdome: the draught was appoynted to be perfected against the next sessione.

Sessio 21.
August 29.

In this sessione, ther was ane acte concerning better observing of the Lordes day revived, which once had past and been enacted befor in a Generall Assemblye holdne at Haliroodhouse, 1602, session fifth, against Sabbath breache, by going of mylnes, salt pannes, salmond fishing, and whyte fishing.⁽¹⁾

The twenty-second sessione conveend, afternoone, August twenty-ninth, wherin ther wer some overtours proposed and approved by the Assemblye:⁽²⁾

Sessio 22.
August 29.
a meridie.

First, That the presbytery of Edinburgh should tacke paines to extraete all actes (that are for the use of the Churche in generall) out of the registers of former old Assemblyes, since *anno* 1560.

Second, That the parliament should be sollicitet for to impose a pecuniarie fyne upon all who went to England to marrye.

Third, That the parliament be sollicitet for to passe ane acte for furnishing ministers expences, who are sent comissioners to Generall Assemblyes, some other way then out of the said ministers ther steepend.

Fourth, That sessione bookes of each paroshin be presented, once evrye yeare to presbytries, and ther to be tryed.

(1) [Records of the Kirk, p. 206; Rushworth's Hist Collect., vol. iii., p. 960.]

(2) [Records of the Kirk, p. 206.]

A. D. 1639. *Fifth*, That deposed ministers be charged with excommunicacione for to demitte ther places; and withall, that it be recommended to the parliament to tacke course therin.

Sixth, All actes of former Assemblies against papistes and excommunicate persones, and keepers of company with them, be renewed, or receavers of them.

Seventh, That ane uniforme catechisme be appoynted through all the churehe.

Eighth, That all ministers presented to kirkes be tryed if they be qwalifyd for the places they are to enter into, besyde the ordinar tryalls of expectants.

Session 23.
August 30.

In the following sessione, August thirtieth, besyde the supplication against the Large Declaratione, which yow have alreadye gott an accompt of, ther was lyckwayes presented a draught of a supplicatione to be presented to the Comissioner and lords of counsell, for subscriptione of the Covenant, to the pourpose following : *

That they wer humbly thankeful for, and did much recent, the many favours bestowed upon them lately by the Kings Majesty : That nothinge remained to the crowning of the worke but that King and people should be all joyned in one Covenant with God and Confessione of Faithe amongst themselves : And, since they conceeived that the only hinderance of this was a sinister informatione, that ther intentions wer to shackle of loyaltye and diminish the Kings authoritye, They therfor DECLARE in ther owne name, and for the rest of the subjects and congregretations whom they represented, that befor God and the worlde, his Majestys Commissioner and Privy Comcell, that they never had, nor has, the least thought from withdrawing themselves from ther dutifull obedience to the Kinge, or from his governement, settled upon them by one hundred and seven descents : That they never had, nor has any desyres or intentiones to attempe any thing to the dishonour of God, or diminution of the Kings greatnesse and authoritye; but, on the contrary, they acknowledge that ther safety did depende upon the safety of the Kings majestyes persone, greatnesse, and royall authoritye, who is Gods vicegerent over them, to mantaine religion, and minister justice : That they did solemnly sweare, not only ther mutwall concurrence and assistaunce for the cause of religion, to the out-

* See Print Acts, *pag.* 10, *et seqq.* [Records of the Kirk, p. 207 : Rushworth's Hist. Collect., vol. iii., pp. 961, 962.]

most of ther power, with ther meanes and lyves to stande to the defence of ther King his person and authoritye, in preservacione and defence of the true relligione, libertys, and lawes of this kirke and kyngdome, but also in evry cause which may concerne his Majestyes honour, they should, according to the lawes of the kyngdom, and the dutye of good subjectes, concurre with ther freends and followers, in qwyett manner or in armes, as they should be requyred by his Majestye, his counsell, or any having his authority: Therfor, being most desyrouse to cleare themselves of all imputatione, and following the lawdable example of ther predecessors, 1580, they doe most humbly supplicate the Comissioners grace, the lords of his Majestyes most honorable privy counsell. to enjoyne, by acte of counsell, that the Confessione and Covenant, which as a testimony of ther fidelitie to God and loyaltye to ther Kinge they had subserybed, should be subserybed by all the Kings subjects of what ranke or qwalitie so ever. A. D. 1639.

This declaratory supplicatione being reade, was entertained by all the members, with a *placet*; and instantly was transmitted to the counsell, then occasionally sitting, by such of the ruling elders and ministers as the Assembly thought fittinge: Thes wer Johnne Earle of Rothesse; James Earle of Montrosse; John Lord Lowdone; Sir George Strivling of Keire; Sir William Douglass of Cavers (commonly calld sheriff of Teviodale); Sir Henry Woode of Bonnytoun; Johnne Smyth, burgess of Edinburgh; Mr. Robert Barclay, provost of Irving; Mr. Alexander Henderson, minister at Edinburgh; Mr. Archibald Johnston, clerke to the Generall Assemblie: Who, in the name of the Assembly, presently sitting, presented the above supplicatione to the lord Comissioner and lords of privy counsell.

The counsell having reade it and considered it, ordained it to be registred in the bookes of privy counsell, and, according to the desyre therof, ordaine a *fiat ut petitur*, ORDAINING the said Confessione and Covenant to be subserybed in tyme comming by all his Majestyes subjectes of this kyngdome, of what ranke and qwalitie so ever.

Many thought that the King did weall, as also the counsell, for to make a vertwe of necessitye, and to give waye to that which they wer not able to hinder the last yeares, and, as the current did runne, as unlycke for to barre in the following tyme; and that in effecte the lame distinctione of the supreme magistrates accumulative power, lately broached, was heer practised in earnest; confirme ther actings they might, but hinder them they could not.

A. D. 1639.

The Comissioner, for his pairte, declared lyckwayes that he was consenting to the forsaide acte of counsell, as the Kings Comissioner, to subscribye and cause subscribye the Covenant, with the Assemblies declaratione prefixed therunto, and that he was willing it should be enacted, by acte of Assemblye, that all should subscribye it with the Assemblys explanatiōe. And because ther was a third thing desyred, *viz.* that he should subscribye, as Kings Comissioner, unto the Covenant, this, he saide, he behooved to doe with a declaratione prefixed therunto; otherwayes, as a subjecte, he should subscribye the Covenant as strictly as anye, with the declaratione of the Assemblye: As for that declaratione, givne in as Comissioner, he saide no Scottish subjecte should have the benefitt of [it], nor himself, as Earle of Traquaire. His declaratione was as followes:⁽¹⁾

“ Seing this Assembly, according to the laudable forme and custome kept heertofor in the lycke cases, have in ane humble and dutifull waye supplicate to us his Majestyes Comissioner, and the lords of counsell, That the Covenant, with the explanatiōe of this Assembly, might be subscriybed: And to that effect, that all the subjectes of this kyngdome be requyred to doe the same: And that therein for vindicating themselves from all suspitions of disloyaltie, or derogating from the greatnesse and authoritye of our dreade Sovereigne, have therewith added a clause wherby this Covenant is declared one in substance with that which was subscriybed by his Majestyes father, of blessed memorye, 1580, 1581, 1590, and oftner since renewed: Therfor, I, as his Majestyes Comissioner, for the full satisfactiōe of the subjectes, and for settling a perfeite peace in church and kyngdome, doe, according to my forsaide declaration and subscriptione, subjoynd to the acte of this Assembly, of the date the seventeenth of this instant, allow and consent that the Covenant be subscriybed throughout all this kyngdome. In wittnesse whair-of, I have subscriybed the premisses.

JOHN EARLE OF TRAQUAIRE, Comissionair.”

Therafter the Comissioner requyred at the Assembly, Whither the subscriptione of the Covenant, with the explanatiō forsaide, did obleidge the subscribers without the bownds of the kyngdome of Scotland? affirming that he thought it ought not doe so: To which it was answered, that evrye one ought to advyse with his owne conscience, although ther wer no feare of any

(1) [Records of the Kirk, pp. 207, 208, 269: Rushworth's Hist. Collect., vol. iii., pp. 962, 963.]

churche censure. Yet this ansuer proved not satisfactory to the Comissioner ; A. D. 1639.
 wherfor he reade and gave in another declaratione to this pourpose :⁽¹⁾

“ It is always heerby declared by me, his Majestys Comissionair, that the practise of the premisses prohibited within this kirk and kyngdome, outwith the kyngdome of Scotland, shall never bynde nor inferre censure against the practises outwith the kyngdome.

JOHNE EARL OF TRAQWAIR, Comissionair.”

This paper the Commissioner requyred to be insert in the register of the churche ; but the moderator of the Assembly refoosed to give warrant thertoo as not agreable to a good conscience. Yet the Comissioner urged that at least it should be recorded that he had made such a delaratione, whatsomever was the Assemblyes judgment to the contrare ; so with much adoe, that was graunted that it should be insert, “ *vocative* only” ; to give yow ther owne terme.*

Ther remained nothing materiall now to be done, but that, that which had been the finall cause of ther Assembly, and *prima* in intentione should be *ultima* in executione ; which behoved to be done by passing ane acte of Assembly for subscriptione of the Covenant, with the Assemblyes declaratione, in all tyme comminge. That acte paste quickly, *nemine contradicente*, for ther was no member sitting ther, who had not subscriybed it themselves, and so would be sure for to ordaine others to doe the lyke. The acte for substaunce was, That they, by ther ecclesiasticall acte and constitutione, did approve the Covenant in all the heades and clauses therof, and did ordain of new, under all ecclesiasticall censure, that all the maisters of universities, colledges, and scooles, all scollers, at the passing of ther degrees, all persones suspect of papistrye, or any other errorr, and, finally, all the members of the kirke and kyngdome of Scotland should subscribye the same with thes wordes prefixed to ther subscriptione :

“ The article of this Covenant, which was at the first subscriptione referred to the determinatione of the Generall Assembly, being determined ; and therby the Fyve Articles of Pearthe, the government of the church by bishopps, the civill places and power of kirke men, upon the reasons and growndes contained in the actes of the Generall Assembly, declared to be unlauffull within this kirke, We subscribye according to the determinatione for-

(1) [Records of the Kirk, p. 208 ; Rushworth's Hist. Collect., vol. iii., p. 963.]

* See Printed Actes, *pag.* 13. [Records of the Kirk, p. 208 ; Rushworth's Hist. Collect., vol. iii., p. 963.]

A. D. 1639. saide." And, withall, they ordaine the Covenant, with this declaratione, to be insert in the registers of the Assemblies of the kirke, generall, provincially, and presbyterially, *ad perpetuam rei memoriam*; and withall, supplicate the Comissioner and Parliament, by ther authoritye, to enioyne it under civill paines, as a thing that wold tend to Gods glorye, preservation of religion, the Kings honour, and the perfecte peace of kirke and kyngdome. The printed acte has a long preface, which since it is but a repetitione of the counceills acte, or is to be founde repeated in the conclusion, I have willingly omitted it, referring the reader to the print coppye in the *actes of this Assembly.

Ther was lyckewayes past heer ane acte for appeales, that they should not be *per saltum*, but orderly from sessiones to presbytries, then to provinciallys, and, lastly, to Generall Assemblies, except that the Generall Assembly wer after the synode, or wer actually sittinge.

Another acte lyckewayes past, that no novatione which might disturbe the peace of the church should either be suddainly proposed, or enacted, but after such overtures wer first communicat unto, and approved by, synods, presbytries, and kirkcs, that so comissioners might come weall prepared to conclude a solide determination upon such poynts in Generall Assemblies.

This acte many thought mysticall, and that it needed a glosse; and, afterward, when the Leagwe and Covenant with England was obtruded upon presbytries and paroshins without ther advyce sought or had, such as had reade this acte, complained that the leading men transgressed ther owne former actes of Assemblies, by a contradictorie practicke, in a matter of so great importance, as was verifd in the seqwell.

The last acte was concerning catechising, That ministers shoulde tacke a day in the weeke to catechise; that masters should catechise ther servants at home, and childeren; that ther should be prayers in families morning and evning; this to be tackne count of by ministers and elders at ther family visits; they to be countable to presbytries, they unto the respective provinciallys, and the succeste therof to be represented to the next Generall Assembly.⁽¹⁾

This acte wanted not its own censure, for it was judged by this and the acte for uniformitye of a catechisme, that they wold have had the world

* *Pagg.* 13, 14. [Records of the Kirk, p. 208; Rushworth's Hist. Collect., vol. iii., pp. 963, 964.]

(1) [Records of the Kirk, pp. 208, 209.]

beleeve that, till that tyme, ther had been no family worshipp nor catechising, into the tymes of the bishoppis: Howbeit, in few yeares thereafter, themselves followd the former practise of catechising, in many places, and neglected this new acte; and not a few ministers, leading men, wer so tackne upp following parliaments and comitties at Edinburgh or elsewhere, that ther paroshiners wer almost neglected.

A. D. 1639.

The last sessione mett, August thirtieth, in the afternoone, wher, first, ther was a supplicatione reade and appoynted, after approbation therof, to be sent to the King, which was to the following purpose: ⁽²⁾

*Sessio 24.
30th August.
afternoone.*

Being conveened by his Majestyes speciall indictione, and honored by his Comissioner, they had been waiting for a day of rejoycing and of thanks, to be rendered to God by all the kirke and kyngdome, for giving them a King so just and religieuse, that it was not only lawfull for them to be Christians under the Kings governement, but for that he was pleased to macke knowne that it was his will that all matters ecclesiasticall should be determined in free National Assemblies, and matters civill in Parliaments; which was a noble expressione of his justice, and wold prove a powerfull meane of ther happiness under him: That upon the knees of ther heartes they blessed his Majesty for that happinesse already begunne in the late Assembly at Edinburgh, whaire they had laboured under God so to carrye as if he, ther vicegerent, had been looking on, and wold have wishd his presence to make ther joye full: That as yet they continowd his supplicants, that he wolde be pleased to ratifie the actes of the Assembly by his civill sanctione, that so, his power and ther authoritye concurring, religione and justice, truth and peace, might embrace one another mutwally in the laund: This wold be a resurrectione and a revivall to them to fill heaven and earth with ther praises, and to pray that KING CHARLES may be mor and mor blessed, and his throne established befor the Lord for ever.

Thereafter, they appoynt the next Assembly to be at Aberdeene, 1640, the last Tewsday of Julye.

And, finally, because the episcopall leaven, by the diligence of the former Assembly at Glasgow, or the comities ordained therby, was not wholly purged out, therfor, ther wer actes lyckwayes past in this Assembly (which I mention not heer in ther order), for visitinge the Universityes of St. Andrews, and Glasgow, and Aberdeene; besyde some what done

(2) [Records of the Kirk, p. 209; Rushworth's Hist. Collect., vol. iii. pp. 964, 965.]

A. D. 1639. for adjoyning some parish churches unto the mor contigououse presbytries or provincials.

The moderator closed the Assembly with a long speeche,⁽¹⁾ wherin he shwed Gods justice to, *First*, Ministers; *Second*, Noblemen; *Third*, To the prelatts: Next, Gods mercye in his justice, *First*, To ministers; *Second*, To the King; *Third*, To the commonwealthe; since they saw a warre ended, without strocke of sword; that they saw bishopps cast downe by God, and that as yet they had the illustriouse Charles for ther King. albeit the bishopps did still crye out NO BISHOP, NO KING. He exhorted the ministrie to shunne pryde and divisione; to preache obedience to the Kinge, and love to such a King, who, though he had never been a King, yet was renowned and eminent, and to be beloved for his many vertwes and giftes lent him from God, that, of his owne voluntar motione, his heart, once alienated, was now reconceiled to them; which was a great mercye of God, considering, *First*, His educatione; *Second*, His counsellors, the bishopps; and, *Third*, His former resolutions, which breathed hostilitye in earnest.

And because the Comissioner had made mentione of some noblemen, whose advyce the King had used from the beginning of the troubles, protesting that the Assembly might have a charitable constructione of ther actiones, therfor the moderator fell to speacke concerning them, and ranked them in three classes. *First* Sort of politicians wer papistes, who be-tooke themselves to the prelaticall interest, as most for ther advauntage. *Second*, Such as wer not popish, but only episcopall in ther judgement; and thes, he said, did deserve pittye. *Third* Sort of politicians wer two-faced, who did alycke love both King and Church; that themselves kept by the King, but suffered ther childeren to follow the Covenante, to lett them be pledges of ther good wishes to the countrey; and thes, he saide, they wishd weall, especially the Marquesse of Hamiltoun, whom the Comissioner assurd them was most earnest for peace. And, *finally*, he gave thanks to the counsellors who had been assessors to the Comissioner. And, *lastly*, he told the Comissioner how much the Assembly was indebted to him for his being a good instrument betuixt the King and them; tellinge the Comissioner that, whatever harsh opinion they conceived of him formerly, they now had founde him a reall

(1) [It is printed in the Records of the Kirk, pp. 270—272.]

converte (the bishopps saide no lesse the winter following to the Kinge), and that all that he had to doe was to ratifie ther Assembly by acte of Parliament.

A. D. 1639.

When the Moderator had ended his speeche, the Assembly sunge the twenty-third psalme, and the Moderator blessed the Assembly, which did breacke up the penult of August, 1639.

Augusti penultimo,
1639.

LXXVI. This is the short summe of that Assembly, wherin the epitome of Glasgow Assembly was acted over, at a gallopp, not only without oppositione, declinator,⁽¹⁾ or protestatione, or charge of treason for to leave it, but countenanced by the Kings Comissioner, who yelded all that was denyed at Glasgow, and countenanced them to ther last *sederunt*. This the King did, hoping, no questione, for to pacifie and settle them; but they tooke his concessions as extorted, and fownde that the best way to secure themselves was for to throw the helve after the hatchett, and to secure the new erected presbytrye in Scotland by pulling downe episcopacye in Englande, and setting up ther aune modell in its place: Ane actione very disagreeable to ther former pretences, and such ane enterpryse as concluded in all the horrible and unnatural trajaedyes that followed, which shall be sett downe in ther owne place, if God give me lyfe and leisour to follow on and prosecute thes Annals. But it is now high tyme to stepp in to the Parliament house with my reader; a few paces devyding the Assembly house and Parliament house, and fewer dayes; for the Parliament conveyed at Edinburgh the very next day after the dissolutione of the Assembly; which, if yow looke upon it for its materialls, had ther the Comissioner sitting president, and not a few of the noblemen, gentlemen, and burgers, for members therof, who, in the former dayes, had borne the title of ruling elders in the Generall Assemblye. As for thes noblemen who had been in armes, or declared for the Kinge, they wer all rendred incapable to sitt or voice, being all of them citted to ansuer the parliament as delinquents. With lycke measure wer many gentlemen served, who had either been active for the King, or who wer suspected might be chosne comissioners by the shyres. As for the estate of the clergie, they wer outed; and this parliament was singular heerin, that it was the first Par-

Parliament meets the day after concluding the Assembly. Lords of the articles. Debate concerning the Parliament being incomplete for want of the ecclesiastical order. Act of oblivion. Act rescissory. Act of relief for paying the charges of the war.

(1) [A Declinator of the Assembly, signed by the archbishop of St. Andrews, and by the bishops of Edinburgh, Ross, Galloway, Brechin, Argyll, and Aberdeen, was presented to Traquair. Burnet's *Memoires of the Hamiltons*, p. 155; Rushworth's *Hist. Collect.*, vol. iii., pp. 952, 953; Nalson's *Impart. Collect.*, vol. i., p. 249, 250.]

A. D. 1639. liament that, for severall hundereths of yeares befor, Scotland had seen sitt
 ——— wanting representatives for the clergy.

A SHORTE NARRATIONE OF THE PROCEEDINGS AT THE PARLIAMENT CON-
 VEENED AUGUST *ultimo*, 1639, JOHNE STEWARD, EARLE OF TRAQWAIRE,
 BEING COMISSIONER.

The Parliament being conveyed by the Kings warrant, Mr. Alexander Henderson preached concerning the institutione, power, and necessitie of magistracye. Sermon being ended, and the Parliament constitute, according to the fashione usall, they fell first upon the choise of the lordes of the articles (as they are termed). Thes are eight persones, chosne out of evry estate, who are sett apart as a comittye for to prepare all thes propositions which are afterwarde from them to be brought into the Parliament, and debated ther; and because such proposalls use to be drawne upp in severall heades or articles, therefor they are called LORDS OF THE ARTICLES,* or lords for drawing up the articles.

The Comissioner called the noblemen asyde unto the chamber wher the judges ordinarily sitte, leaving the two other estates of the comissioners for gentrye and burroughs sitting in the Parliament house, who seemed to be amazed at such a forme of procedure. Therfor they depute certaine of ther number to enqwyre that which they knew, *viz.* the reasone of the separation and stay of the nobilitye. It was answered, that the Kings Comissioner was about the choosing of the lordes of the articles of the other estates, which was no new practise; for by provisions and conditions mentioned in ane acte of Parliament, 1587, as also in the Parliaments 1609 and 1612, and thereafter, it had been the constant practise of the Parliament for eache estate to goe asyde and choose the lords of the articles out of the other estate. The noblemen choosed eight out amongst the bishoppes. Comissioners for shyres and burroughs counted for one estate; thes againe choosed eight out amongst the noblemen; and both conjoynd choosed eight out amongst the shyres and townes. The bishoppes wer not sitting, nor any to represent them, as abefor since the Reformatione. How soone this was related to the comissioners of the shyres and burghs, they protested presently that the lords of the articles might be chosne in face of Parliament. *Second*, That evry estate might choose ther oune comissioners, or

* *Apolectj.*

lords of articles. Nor wanted they assistance amongst the nobility for to backe ther desire, being animated therto by such noblemen as wer the great ringleaders of the Covenant; to whom the project justly might be ascribed, who wer opposing the Comissioner, and pressing this new overture as hottly upon him as the rest did after they gott this simulate informatione.

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They affirmed for themselves, that befor the year 1617, it had been still the practise of the Parliament to choose them publickly; and they did urge it as most reasonable, since they wer the Parliaments delegates: They saide further, that the bishopps had introduced that new forme of privatt choosing of them, and being now that the bishopps wer put to the doore and outed, it was most fitt to choose thes articles as befor; or, if that could not be graunted, they desyred, at least, a thing most rationally, that evry state should choose ther owne delegates: And for that which they wer informed of, that the noblemen wer urged by the Comissionaire for to choose lords of the articles for all the rest of the Parliament, they affirmed that it was ane acte most irrelevant, and that such delegates could not be saide to be the Parliaments delegates: Wherefor they protested that whatever wer done by them should be holdne for nulle, as being done *a non habente potestatem*.

The Covenanter noblemen urged the same, and withall desyred that the power of the lords of the articles might be restrained: And further, they alledged that ther was no statute law for lords of the articles, and that ther power was defyned by no acte of Parliament; that they had been in some praecedding Parliaments, in the yeares past, rather winked at then authorised or approve; that they urged no practise but what had been in use befor 1617; that, albeit since the days of King David Bruce (that was about 300 yeares befor then), ther had been still some called lords of the articles, yet such a practise *de facto* could not prescibe to a Parliament, which being the supreme judicatorye, in free actes, are to be judges what is meet for themselves, and to chainge things of this nature as they fynde it most expedient for them.

The comissioners for the burroughs affirmed, moreover, that they wer calld by the Kings proclamatione not only to vote, but to debate and discusse matters; which freedome, said they, was qwyte tackne from them by thes lords of the articles, who have engrossed into ther owne handes not only to determine what shall be proposed in Parliament, but lykwayes the verye drawing up and forming the letter of the law, acqwaynting the Parliament itself with nothing but the titles of the actes of Parliament that are to be passt;

A. D. 1639. by which meanes, they saide that the Parliament had not so much as a negative ; Furder, they saide that the power of the members of the Parliament was inherent, and could not be transferred upon* trustees ; therfor they concluded that it was meettest that all overtures and greivauces should be proposed in opne Parliament, which therafter should be committed to lords of the articles, who should prepare matters, and draw upp draughts of lawes and actes, first to be readd, therafter to be allowd or rejected, as eache one should fynde it rationall.

The Comissioner stoode to the former practise, and wold yeeld to none of this proposalls: Yet, least this dispute should stopp the Parliament in the very entrie, ther was a midds fallne upon, by the consent of all partyes, That the Comissioner and nobilitye should choose lords of the articles, whom the rest of the Parliament should choose anew, and, meane whyle, that both partyes should enter a protestatione that such a practise should be *salvo suo jure*, which protestationes should be givne into the register of Parliament in wrytte ; and withall that the controversy concerninge the choise of the lords of the articles should bee decyded befor the dissolutione of the Parliament. So this controversy ended for the tyme, albeit the King in his declaration†, published the next yeare, complained upon this actione as an attempt to chaunge and alter the constitution of the Parliament, and the very frame of government : whair of ther will be occasione for to speacke mor in the debates betuixt the King and commissioners that wer sent from this Parliament to the Kinge.

In that declaration,‡ the King maintaines that by Parliament 4 Jacobi VI., cap. 218, that the reasone of thes lordes of articles is ther specifyd, for to bee for eschwing of confusione and impertinent motiones in Parliament ; that all propositiones to be made to the Parliament are to be delyvered to the clerke register, and by him to the lordes of the articles, that all frivo-louse and improper motiones may be rejected.

§ The next debate that they fell upon was concernig the constitutione

* N. B. They made no use of this argument in the General Assemblies when they devolved all ther power into the hands of a kirke comissione.

† *Pag.* 21.

‡ *Pagg.* 19, 20, 21 : *et pag.* 48.

§ September 6. The Comissioner, as Comissioner, did subscribe the Covenant withe the Assembly its explanatione, first, in the house of Parliament, in presence of the lords of the articles. Secondly, he subscribed it as Traquair, simply as other subjectes did. Next, he subscribed the Covenant in the new house of exchequer, as a counsellor with other pryme lords of counsell, Roxburgh, Landerdale, Southeske, and mannye others, without any de-

of the members of the present Parliament; for it was questioned how a Parliament could be full wher the third estate (made upp of the bishoppes and abbotts of old) was wanting. The Comissioner affirmed, and with him such as wer for the King, That no Parliament could be called complect except all such members wer present as wer summond to be present there. The Covenanting partye replyed, That the bishoppes wer excluded by a necessarie consequence; for since, by the Comissioners owne consent, they wer declared no members of the churche but few dayes befor in the Assembly, they could not be admitted to be members of the Parliament, since they represented the church no mor: Furder, they added, that, by the Covenant, civill places in churche men wer abjured as unlauffull; therfor, ther could be no representative ther for the churche; and if ther was any innovatione heer, it was necessaire, and could not be shunned; this lyekwayes, they said, the Commissioner had consented to by giving warrant to signe the Covenante. The Comissioner answered, That, howbeit it wer so, yet the tackinge downe of the third estate of Parliament was to destroy a fundamental law, which he had no warrant to give waye to.

It will be most satisfactorie to heare the King himself speacke to this poynte; for he sayes,* That, by this practise, they stryve for to alter the frame of Parliament, and to confounde and taeke away the third estate, wherin the civill power of Kings is so much concerned, as that his father and all his praedeccessors in former Parliaments, both in tyme of popery and since the reformatione of religion, wer still carefull for to preserve and maintaine the dignite, honor, and preiveleidges, of the third estate, as was apparent *anno* 1560, when all church jurisdiction, in the person of bishoppes, is alledged to be abolished; and *anno* 1587, when all the temporalities of benefices wer annexed to the crowne, the clergie retained still ther vote in Parliament, and represented the third estate, and the civill power and preiveleidges of the churche wer still preserved, and again ratifyd, as appears by the first Parliament Jacobi VI., cap. 24, and by diverse actes of Parliament, *annis* 1587, 1597, and 1609: By all which, and diverse other actes of

claration at all: This was four tymes that Traquair subscribed it. The Marquesse of Huntly being present and debarred upon the account of his no subscription of the Covenant (as others wer), from voicing in Parliament, lyekways offered to subscribe the Covenant, but with protestation of libertie outwith the kyngdome; but the ministers who wer present to taeke the oathe of the lords, wold not admitte of such a subscription: so Huntly was debarred from the Parliament. See Covenanters Answer, *pag.* 80.

* Declaration, 1640, *pag.* 22.

A. D. 1639. Parliament, it appeared clearly how much the King his praedecessors had conceived the civill power and honour of ther crowne to be concerned in the mantaining and upholding the honour, and dignity, and preiveleidges of the three estates: Nay, and by a speciall acte made in the tyme of Jacobi VI., Parliament 8, cap. 130, it is declared treason to impugne the authoritye of the Parliament, and three estates, or to procure the innovation of the power and authoritye of the same three estates, or any of them: From whence the King concludes, that since they sought the breach of that acte, how could they excuse themselves from treasone, and plead themselves not lyable to the punishment therof?

To this they ansuer,* as befor they urged, That the chainge was inevitable by consequence followng upon the acte of Assembly and the King his declaratione; that the King and his Parliament had power to alter ther owne lawes and customs; that that was no treasone; that it was rather laese majesty divyne to maintaine actes of Parliament for advauncing the prelatts, contrare to the Confessione of Faith, and Covenants, and manye protestations of the church of Scotland.

The reply seemed not satisfactorye enouch to many: For, first, the mor knowing saw great folly in the churchmen to debarre themselves from a voice in the legislative power, since it is a rule of nature that *quod omnes tangit ab omnibus tractari debet*,† and that they did confounde thinges extremly who did not distinguish betwixt the legislative power and execution of the law; which last, although it have been declynd by churchmen, specially in criminalls, and by the canons of councells they prohibited to be present at the tryalls of persones accusd for capitall offences, yet they could fynde no praecedent in Christian commonwealthes for the former: Nay, some thought that it wold not be hard for to instance practises where, in the purer tymes of the church, civill processes had been disputed befor bishopps; and, furder, that 1 Cor. chap. vi. ver. 5, gives grounde for such a practise, which was mor then was pleaded for at this tyme: Morover, they did wonder much at the blyndnesse of thes churchmen, who wer so farr misled by the pryme Covenanting noblemen, as to be throun out of the Parliament with ther owne consent; a thing which in the opinion of many it was thought thes Covenanting noblemen did dryve at extremlye.

* Answer to the Kings Declaration, pag. 48.

† *Vide supra*. See mor to this pourpose *lib. 3. sess. 25.* of Glasgow Assembly, [above vol. ii., pp. 163, 164.]

Next, for ther ansuer* who saye that King and Parliament have power for to macke and abolish lawes as they thinke fitte, It did not come home to the pourpose; for it was not the Kings will at that time for to abolish the bishoppes vote in Parliament, except they would refoose to give him a negative: Besydes the dangerouse consequence was forseen that such a practise might implye; for that being laide once for a grownde, that one estate might be outed, *viz.* the bishops, Might it not follow, that another of the remnant estates might be also turned out of doores? a practice since that tyme verifid by experience in the Long Parliament of England, wher the bishoppes wer first turnd of by the example of Scottlande, the joynte vote of the two houses concurring and importuning the King to that effecte; and thereafter, *anno* 1648, the commons turnd off the nobilitye, and then murdered the Kinge: Finally, they thought that the Comissioner was ill answered by objecting the subscriptione of the Covenant, for if it was tackne in the sence that formerly it had been administred, in *anno* 1580, all saw that then thes Covenanting consciences wer not so strait laced as now; for after that, when bishoppes wer gone, yet ther wer some still in the followinge Parliaments quho did represent the third estate, whom the rolles of the Parliaments marke with a *sederunt pro clero*.

A. D. 1639.

The next proposall was concerning ane acte of oblivione to be passed. All agreed that ther should be ane acte of oblivione past, but ther was a great dispute concerning the forme and contryvance therof; for the Comissioner urged that it should be drawne upp by way of pardone, therby implying that what was done by them had been illegally acted; and he saide that to graunte it in other termes was contrare to the nature of ane act of oblivione, which still implies a passing by and forgetting of guilt, and instanced the acte of oblivione, *anno* 1563.

This the Covenanters wold by no meanes accept of; but, on the contrary, they pressed that the acte might be such as might justifie ther actiones as legall and laudable; that they wold never offend God so farr as to accept of that which might rubbe upon ther Covenant with God as a sinne. They saide that ther armes wer lawfully tackne upp; that they wold be readye to tacke upp armes anew, if it wer necessaire. They saide that the Comissioner and counceill had subscrybed and warranted others for to tacke the Covenant. Finally, they desyred that if that acte should imply

* Ansuer to the Kings Declaratione, *ubi supra*.

A. D. 1639. a pardone, lett it bee to the prelatcall pairty, to the Kings evill councellers, incendiars, and anti-Covenanters ; but they would have it bespeacke ther innocencye, who wer the Kings obedient and best subjects.

The King, in his declaratione, 1640,* objectes this to them, That they did petitione him for nothing but ane acte of oblivione, yet at the Parliament wold have chaunged it to ane acte of justificatione.

To which objectione I fynde no new thing in ther ansuer† which is not already heer sette downe, except that they distinguish betuixt ane acte of oblivione and acte of remissione.

Another acte was lyckewayes urged, which they called an acte resciss-iorye, or repealinge, wherby all former actes of Parliament in favours of bishoppes behoved to be abrogated. The King, in his declaration,‡ qwarells it as an acte which, in the consequence therof, did barre him totally from the Assembly, or Assembly bussinesse, and cutt him off from all power in civill affaires, which, in the court of the kyngdome of Scotland, are in consequence heerupon. He said that heerby they trenshed upon regall power, and contrare to ther promise, which was, that they should desyre nothing that was not warranted by law.

To this the Covenanters ansuer, in ther§ declaratione, That it wer a repugnancye to macke a new acte, and to lett the old actes of a contrarye nature stande in force. The rest of ther ansuer is only a declaration how fitting a thing it is that churche men should not meddle in civill places, and that it wold not worong the Kings authoritye though they did not meddle any mor in Parliaments.

Thes propositions not succeeding, they fall upon mor new ones: The first was ane acte of releefe, wherby all the charges of the warre should be payed by all the subjectes of Scotland in common: The reason for this they alledged, because it concerned all the subjectes, and the defence of religion and libertyes, except only a few noblemen who stood owt.

The King ansuers, in his declaratione,|| That this was contrary to the pacification, wher it was promised that whatever was tackne from his good subjects should be restored againe ; which the bynding part of that acte contradicted. *Secondly*, That it was contrare to ther desyre at the campe, and his concession, July second, 1639, to allow them a liberty of meeting and conveeing, untill a certain day, for distributing ther pretended charges

* Pag. 24.

† Pag. 50.

‡ Pag. 24.

§ Pag. 49.

|| Pag. 25.

amongst such as should willingly condescende therunto : That, in steade therof, they wer laying it upon his good subjectes, who, during the tyme of the warre, had adhered to him, and suffered losse for him : That, by such an acte, both he most justifie and his faithfull subjectes contribute for [to] pay the charge of ther rebellions and treasons.

Ther ansuer to this and to what follows will fall in better in ther commissioners negotiation at Londone, a little after this Parliament.

LXXVII. Therafter they fell to argue how the brockne Highlanders, who, in the former yeares, had troubled and robbed the neerest places of the Lowelaundes, might be restrained. Thes wer a party of the Clangregor cheefly, who had been conducted by a notoriouse robber, called Johne Dow Geare, or Little Blacke Johne Mackgregor ; as also some others, who wer commanded by James Graunt, sonne to Johne Graunt of Carron : a gentleman, who had formerly been prisoner and made his escape out of Edinburgh castell, and had rendred himself outlaw, not out of any pleasure he had to dryve such a treade, but for to prosecute the revenge of a qwarell betuixt him and the family of Bellnadalloch, of that same surname, who had killed his nephew, Carron, as in the former tyme thes of Carron had done to one of the family of Bellnadalloche : Thus, according to the Highland barbaritye, they beganne to bandye one against another, by mutwall slaughters, propagatinge the feade to the posteritye.

All thes robberyes wer laid to the charge of the Marquesse of Huntlye ; not that they thought him guiltye, but, because they had detained him prisoner into the castell of Edinburgh till the pacificatione, they founde it necessarye to fynde a colour for his unjust imprisonment. His accusers wer some gentlemen of the surname of Forbesse, professed enemyes to his familie for many yeares befor ; of whom some, having suffered in ther goods or tenantry by the outlaw robbers Clangregor, wold needs draw in the consequence, that Huntly had givne them privat warrant so to doe. This accusation was made plausible by James Earle of Aboynde, his admitting John Dow and James Graunt, with ther complices, into his payrty, to beare armes in the monethes of May and June, this summer befor in 1639 ; as also, because James Graunt was a gentleman, by the mother, descended of Huntlyes familie, as being nephew to Sir Thomas Gordone of Clunye, Huntlyes cosen ; which made him favoured by the Gordones, and his actiones to be interpreted thers, howbeit they wer not so exorbitant by farr as thes of John Dow and his associatts. Huntly was accused for John Dows rob-

A. D. 1639.

Restraining
the broken
Highlanders :
Marquis of
Huntly, accus-
ed as their
supporter,
summoned :
defended by
Sir Ludovicke
Stuart.

A. D. 1639. beryes, because he and his associatts did oftne resorte in Huntlyes Highland countreys, which are very large.⁽¹⁾ To the Forbesses some gentlmen of the surname of Frazer, specially of the family of Mucholl, conjoynd themselves in this accusatiōne : thes wer lately growne enemyes to Huntlye upon the accompt of the Covenant. Therfor Huntlye was citted by publicke summonds to ansuer to this Parliament, but so weall defended by the learnd and loyall gentlman, Sir Ludovicke Steward, that he gott off free, and was absolved from that alledged guilt.⁽²⁾ True it is, they had urged him at Aberdene, in March, when they made him prisoner, for to settle thes Highlanders ; but that was rather to ensnare him, then of any reall pourpose for to entrust him with such a service, being resolute, from his undertacking, for to draw in a conclusiōne disadvantageouse to him when ever occasiōne should serve to accuse him. But Huntly, at that tyme, did declayne that employment for many reasones, wherof that probablye was one ; howbeit, his declinator of ther proposall was upon that accompt, because he was no mor lieutenant of the north, as his father had been, and so not obleidged to goe about such a service but according to his portiōne.

LXXVIII. Ther next motiōne was concerning the Kings Great Manifesto, of which ther was so much noyse in the Assembly.⁽³⁾

Another proposition was, that it should be determined whither the commissioners for shyres (since they are alwayes two in number), should have each of them a distincte vote in Parliament.

That no patent of honour should be graunted to any strainger, but he who had 10,000 merkes free rent in Scottlande.

(1) [“ Mr James Baird condiscendit that the landis quhair the said Jhone du gar and his brother sones had thair residence the tymes libellit was Cabrach Glenrimes Auchindowne Strabogie Blakwater Culblaine.” Acts of Parl. of Scot., vol. v., p. 262. Thomson's edit.]

(2) [“ Then comes in ane other more malicious complaint against him, at the instance of the lairds of Frendraught, Lesslie, Craigievar, Glenkindie, Alexander Forbes alias Plagne, and diverse others of the Forbes' faction, his old enemies, for alledged receipting within his ground of John Dugar and remanent of his followers of the name of Clangregor, notorious theiffes, murderers, and robbers of the king's leidges, and of themselves in speciall. This complaint was tryed before ane committie first, and thereafter before the parliament, and dispute vigorously be advocatts in ther presence, which is not used before face of parliament. Sir Thomas Hope, the king's advocate, Mr. Roger Mowat, and Mr. James Baird were advocatts for the persewers ; Sir Lewis Stewart and Mr. John Gilmoir were advocatts for the lord marquess. And after long disputation the marquess was absolved. This he patiently suffered among the rest of his heave crosses.” Spalding, Hist. of Troub., vol. i., p. 170. See also Geneal. Hist. of Earld. of Sutherland, p. 496 ; Acts of the Parl. of Scot., vol. v., pp. 254, 257, 260—263, 268, 274, 275, 283.]

(3) [See Acts of Parl. of Scot., vol. v., p. 256.]

Several articles proposed concerning new regulations and laws. Commissioner writes to the King on the subject.

Whither the Kings counsellors are not lyable to the Parliament ther judgement and censure? A. D. 1639.

Whither remissiones should be graunted for crymes, such as blood shedd, without satisfying the pairtye wronged? King's answer: threatens dissolving them;

That lawes should be renewed for barring protections, and *supersederees* not to be graunted to dettors, to the hurt of ther creditors. orders a prorogation to the second of June, 1640, and will not allow them to protest, sit still and disobey.

That no comission of justiciary or lieutenantrie may be graunted but for a little tyme. Commissioner ordered to court; he urges the sending commis-

That armes brought in to Scotland for the late warre should bee custome free. sioners to the King: Dunfermling and Loudon sent their instructions. Pro-

That the president of the sessione should be chosne by the rest of the judges; and the thesaurer and lord privie seale not to pleade for praecedencye, as not warranted by positive lawe. testation against the prorogation.

That no comissioners of Parliament (noblemen specially), should vote by proxies, *il est*, deputts sent to represent them.

That the small copper farthings, struckne by a preiveleidge graunted to Sir William Alexander, should either be called downe, or at least reduced to the trwe worthe.

That the valwe of the money should not be inhaunced but with consent of the Parliament.

That the castells of Edinburgh, Strivling, and Dumbarton, be entrusted to no man but Scottish men borne, and thes keepers to be placed ther by acte of Parliament, and advyce of the states.

That the customs upon merchandise be not raised without the consent and advyce of the estates of Parliament.

Thes, and some other overtures of this nature, wer pressed for to be exhibite as articles to be past in lawes by the Parliament. The Comissioner opposed still, as not having comissione to yeeld to thes proposalls, till the Kings mynde was knowne; which not only shortly after was manifested to thier comissioners, but lyckwayes excepted against in his declaration* the next yeare:

Wherin he declares, That the coyne was a prerogative of his crowne, and none could meddle with it, without being guiltye of treason.

As for ther propositione, that the castells should not be entrusted to straingers, nor any straunger admitted to degrees of honour but with qualificationes, the King affirmeth, That in both ther lurketh a great deale of

* *Pag.* 27.

A. D. 1639. malignitye and poyson; that this was intended against the English, as was apparent by ther exceptiones tackne against such English souldiours as wer lately sent into the castell of Edinburgh and Dunbarton: That such a practise tended in its consequences to devyde the nations: That it was injuriouse and unjust that Scottish men shoulde have titles of honour in England, and not English men in Scottlande; that it wer just that the *post natj* of Scotland should be excluded from all office and dignitey in Englande.

And for ther limetating the powers of justiciaries, he wonders why they sought that, since some of themselves (Argylle he meand), had obtained from him the heritable right of justiciarye over a considerable pairt of Scotland, *viz.* over the westernne isles.

To that proposition concerning the praecedency of the privy seale, the King ansuers,* That no man who is not a traitor can deny that the source and fountaine of all honour is in him, and that it is a pryme branche of his crowne to distribute honors, dignities, and praecedenyces, on whom he pleased; further, that the chaneellour of Scotland holds his place and praecedencye without any warrant or positive law, but meerly from his immediate and inherent power; therfor, why might not the theasurer and privy seale do the lycke as weall as he?

Finally, he exceptes, amongst other ther articles, That they demanded the rescinding the actes of Parliament, concerning civill governemente, as the judicatorye of the exeheqwer; the aete concerning proxies; the aete concerning the confirmation of warde laundes, wherby, he sayes, they would both destroye his government and revenwe.

The time was spent thus in long and fruitlesse janglings betwixt the Comissioner and Parliament. He affirmed that thes proposalls of thers wer not made knowne to the King at the treaty of Berviecke, and that for to graunte thes thinges was beyonde the boundes of his commissione. They, upon the tother pairt, affirmed that the King had promised to send a Comissioner fully empowred (and not limited), for to yeeld to all things that the Parliament should fynde for the good of the kyngdome. This moved the Comissioner to advertish the Kinge how things wer going in his Parliament in Scotland, sending him a double of ther new articles.

The King worot his pleasure to the Comissioner as follows, *viz.*⁽¹⁾ That, wheras, it did evidently appeare that the aimes of diverse of his subjects was not for relligione now, as they had alwayes pretended (for it was manifest by

* Pag. 29.

(1) [His Majesties Declaration, 1640, pp. 30—32.]

his Comissioners declaratione, how willing he was to give satisfactiōne both in Assembly and Parliament, twoching such thinges as were promised by him or swed for by them under the name of relligione): That he did perceiue by ther many new strainge propositions, that nothing wold give them content but the alteratione of the whole frame of government of that kyngdome, and withall the totall overthrowe of royall authoritie, He did hould it now to be his care and endeavour to prevent that which did so neerly concerne him in safetie and honour; and if immediatly therupon he should command the dissolving of the Parliament, it wer no mor then justly might be expected from him: Neverthelesse, that such was his tendernesse still for ther preservatione and establishment of a perfect peace in that kyngdome, as that he was pleased rather to proronge the same, and to heare such reasones as they could give for ther demaundes: Wherfor, he commandes his Comissioner to proronge the Parliament to the second of June, 1640, and that (since they had disputed it) by his authoritie onely; he holding it no way fitting that any assent of thers, but obedience, should be had to that acte, which did so properly belong to him as ther Kinge; and if they should presume to protest, sitt still, and disobey that his royall commande, his will and pleaur was, that his saide Comissioner should discharge ther so doing, under paine of treason: But in caise of ther obedience and dissolving according to his commande, then he did reqwyre his Comissioner to declare unto them that he would not only admitte to his presence such as they should send unto him to represent ther desyres, and the reasons of them, but would also, as he was alwayes readye to doe, punctwally perform whatsoever he did promise: In the interim, he commanded the Comissioner with all convenient speede to come to courte, and to bring with him all that had passed, or had been demanded, both in Assemblye and Parliament, that so he might noto nly be mor perfectly informed of all proceedings, but lykewayes consult with him and thiose of the councell, what cowrse wold be best for the preservatione of his honour, and the happy accomodation of the bussnesse.

And upon the returne of the Kings ansuer, the Comissioner urged them for to send commissioners to the Kinge; assuring them that if they would send some commissionat to court, in name of the Parliament, for to informe the King of the aeqwitye of ther proposalls, he assured them that such would fynde a gratiouse acceptaunce from the King, being that it was the Kings owne desyre by his letter to him that it should be so.

Wherupon it was at last condescended unto by the Parliament that the

A. D. 1639.

A. D. 1639. Earl of Dunferlemlyue and Lord Lowdon should be directed to the King, with letters of credite and instructiones, in name of the Parliament, which
Novembris 1. were dated *Novembris* first, 1639. Thes instructiones to ther comissioners for substance wer as followethe, subscrybed with ther handes, at Edinburgh, day aforsaide, by some of each estate, for themselves, as representing the rest of their number, as ther command and desyres to shew :*

First, That it was ther desyre to enjoye relligione, according to Gods worde, Confessione of Faith, and constitutions of the church of Scottlande ; and that matters ecclesiasticall be determined by Assemblies of the kirke, without encroatching upon the liberty or preveleidge and government of any other reformed kirke.

Nota bene.

Second, To shew that they never had nor has any intention to diminish the Kings greatnesse and authoritye, which is acknowledged by them as his dwe, by the law of God, and the descent of one hundred and eight Kings ; and that they intende not for to impaire or withdraw ther civill and temporall obedience to his Majestye, but, whenever the Kings service shall requyre it, to give demonstration of ther faithfullnesse and loyaltye.

Third, To shew that it is very greivouse to them to heare that the King is misinformed of, and displeased with, ther proceedings ; the lauffullnesse and loyalty wherof they warrant, and desyre ther comissioners to cleare to the Kinge.

Fourth, To inform the Kinge of all ther proceedings in Assembly and Parliament, and justifie them, and render him a reason for them all ; but specially, lett him see that they trench not upon the Kings authoritye, wherof the King seems to be misinformed.

Fifth, That the hinderaunce of the progresse of Parliament is a great praejudice to kirke and kyngdome ; that ther desyres are the subjectes greevaunces, givne in to the Parliament ; that they agree with the articles of pacificatione, and doe subsiste with the Kings authority and obedience of the subjectes.

Sirth, Therfor, having cleared ther actings, to urge the ratifying of the actes of the Generall Assemblye, and the going on of the Parliament to determine the articles, and to settle other things that may conduce to the good of the kyngdome, according to the articles of pacificatione, under the Kings great seale.

* Covenanters Ansuer to the Kings Declaration, *pagg.* 66, 67, *etc.*

Seventh, To desyre (for clearing of all thinges), that the registers of Parliament may be produced; which at that tyme wer in the castell of Edinburgh, under the custody of generall Ruthen, governour. A. D. 1639.

Eighth, If it be refoosed to lett the Parliament goe on, then, to urge the prorogation therof, in such termes as yow have with yow, in the offer made to the Comissioner.

Ninth, If the King recall the Comissioner, for to trye and advertishe who will be thought fittest for to be sent from the estates as comissioners, to informe the Kinge, and to procure the Kings warrant for ther coming to Londone.

Tenth, For to be frequent and sure in ther advertishments how bussnesse goeth.

Eleventh, To shew the greivouse complaintes givne in to the Kings Comissioner and lords of articles, by such Scottish as inhabite Irelande, of whom oathes are exacted unwarrantable by the lawes of the church of Irelande; as also, that some of this natione have been pressed in England with the lyeke oathes.

Dunferlemlin and Lowdone immediatly thereafter tacke journey with thes publicke instructions (for ther privatt ones wer not divulged) unto Londone: but when they came to court, they wer enqwyred whither or not they came with warrant and licence from the Kings Comissioner; and, next, if they had acqwaynted him with what they wer to propounde unto the Kinge?

Ther ansuer to thes propositions not being admitted as satisfactorye, they wer both sent backe without hearing.

Ther owne answer and excuse, which they sett out in print (for thes omissions which it seems they deny not), wer,* first, That the Comissioner had shewed the Kings warrant (for sending comissioners to him), to diverse of ther members; which they tooke as consent enouch from the comissioner, and of greater authoritye then any thing from himselfe: For the next, they ansuer, That ther might have been some instructions to propone or complaine to the King upon the Comissioner himselfe, very unfitt to have been imparted to the Comissioner himselfe (yet such instructiones are not instanced); that the King might have ansuered as he pleased; but they could neither expect nor suspecte that the King wold have sent backe the comissioners of a Parliament of a kyngdome without hearinge.

* Covenanters Answer, pag. 60.

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Ther returne, after this manner, bredd great grumblin amongst the Covenanters, and the constructione that many did putt upon it was,* That the King, by standing upon such formalities, was seeking for to dryve them into some inconveniences, so as to provoicke them to runne into armes againe, that thus the King might gett a sufficient pretext of warre against them. Others saide that ther comissioners wer putt backe from court least they should, by ther long stay ther, pryve into the Kings counsell and projectes, which they supposed wer to arme anew : a frivolouse conjecture certainlye, for they needed no spy upon his actions from Scottlande, having Hamiltoun ther, who was admitted upon the Kinges most secret projectes as a counsellor ; and having Traquaire at home, whose actings wer as ill consterd by the royall partye, as shall be told afterwarde.

And as for the Kings inclinatione to a new warre, which it is affirmed he was willing to conceale, the world saw that the Covenanters inclinations wer as much that waye, ever since the pacificatione ; as the challenges givne in July eighteenth. 1639, in some pairt give a ground to the King to suspecte.

The Parliament fall, therfor, to new consultationes what wer best to be done, and, in ende, conclude upon a new supplicatione⁽¹⁾ to be sent to the King : Wherin they desire that the Parliament might goe on, or, at least befor he credite any sinister informatione concerning them, that he wold give warrand for sending for some of ther number to his presence, who might give his Majestie full satisfactione of all ther demaundes : This sup-

November 22. plicatione was past, *Novembris* twenty-second, 1639.

December 11. And being presented to the King at Londone, it gott the following re-
1639. turne, December eleventh, 1639, at Whyteball, *viz.* That his Majesty having reade and considered this supplicatione, is graciously pleased to permitte such number of them to repaire thither as they shall please, for to shew the reasones of ther demaunds.

Signed

STERLINE.

And withall the King sends ane expresse warrant under the privie seale to the Comissioner for to dissolve the Parliament, and prorogate it unto the second daye of June, the next yeare, 1640 ; and that by vertwe of his Majestyes comissiones, to whom it did belong both to call and dissolve Par-

* Spang, *Historia Motuum*, pag. 427.

(1) [It is printed at length in Balfour's *Annales*, vol. ii., pp. 364—366.]

liaments, for that he saw they intended nothing but the chaunge of gouernement. Therfor the Comissioner requyres them for to ryse and begone, under paine of treasone; but withall permittes them, first, to nominate comissioners to goe to court, according to the Kings warrant and licence; as also for to name a comitte who should remaine at Edinburgh and attende the returne of the comissioners, and corresponde with them at all tymes till ther returne to Scotland. The comissioners wer the Earle of Dumferlemlyn, and Lord Loudon; Sir William Douglass, sheriff of Teviotdale; and Mr. Robert Barclay, provost of Irvinge, one who had been some tyme paedagonge to Argyll.

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The members of the Parliament founde inconveniences acqwalles almost both to sitt still and to ryse. If they disobey, they are to bee charged with treasone; and they supposed it might give the Kinge occasione of a new qwarell, befor they had fixed the lawes for ther owne advauntage. If they arose, they saw the praeparative dangerous; for thus they confessed to the world that, howbeit, they had declared by ther practise at Glasgow that the King could not hinder the course of a Generall Assemblie, yet he could sett and raise a Parliament at his pleasur: a praerogative that they tooke little rest till they wrested out of his hande by the acte for the trienniall Parliaments, *anno* 1641.

To salve all this inconvenience, and to keepe all sure under foote that the King should lay no hold upon this acte of obedience, it was thought fitt for to have ther recourse to ther old buckler of a protestatione; which was accordingly done upon the eighteenth day of December, by publicke reading of ther declaration in the Parliament house, for substance as followeth:

That it was the first tyme that ever it was heard of in Scottlande, that a full Parliament, laufully constitute in all its members, after the choise of the lords of the articles, and sitting neer fifteen weekes after all the articles wer formed, should be dissolved without its awne consent, without offence upon ther part, contrare to the Kings warrant under the great seale, and upon pretence of a clause of his comission under the qwarter seale, which was only for fencing and continowing the courte till the downe sitting of the Parliament, and that evne by representation of the estates, who now being present themselves cannot be represented by comissioners, but doe directly dissassent; which warrant is now expyred in itselfe, and is not renewed under the qwarter seale, wherby he offends the Kings good subjectes, and endaungers the peace of the kyngdom, for which he must be lyable to his

- A. D. 1639. Majestyes animadversione, and to the censure of the Parliament ; That this practise was contrare to his Majestyes honour, who had promised to ratifie the acts of the kirke ; that it was contrare to lawes, libertyes, and practise of the kyngdome, by which all continuations of begumne Parliaments have ever been made with consent of the estates, as may be seene in all printed and wryttne records of the Parliament ; contrare to publicke peace of kirke and kyngdome, which cannot endure long delaye : That by such meanes ther adversaryes wer seeking to devyde betuixt both King and kyngdome, and to bring both to utter ruine : THERFOR they declare, in such ane extremitye as is above spoekne, that the Comissioners dissolving them by himselfe, or any in his name, under the qwarter scale, or by the lords of counsell, who have no power in Parliament matters during the sitting therof, shall be of no force to hinder the laifull proceedings of the subjectes, and all the doers therof to be censured by the Parliament : Also, that the Commissioner, his nominating articles by himselfe, commanding them to sitt continuallye, contrare to protestations against them ; keeping frequent sessions of counsell during the tyme of the sessione of Parliament without consent of the Parliament ; his calling downe and upp money during ther sitting, they having taekne it into ther consideratione : his frequent prorogating and ryding of Parliament, without ther consent or an acte for it mentioned, are all contrare to the libertyes of Scotland, freedome, and custome of Parliament, and that they be no praeparatives, nor practickes, nor praejudices in tyme cominge : And since they are not now privat subjectes but sitting in a parliament, and that many sinistrouse informationes wer givne in against them, which had procured all this, and howbeit they might sitt still, yet for giving of any cause of offence to the King, they wer resolved for the present for to macke remonstrances to the Kinge of the reasones of ther propositions and proceedings in ther Parliament, and how necessaire it was to tacke a speedy course for obviating the evils that ther enemyes longed for ; and, in expectatione of his Majestyes ansuer, that some of ther number have power from them all to awaite at Edinburgh, and to remonstrate ther humble desyres upon all ocasioness, that therby ther loyalty may be manifested : And if it happne that, after all ther remonstrances, ther malicouse, yet inconsiderable, enemyes shall prevaile against the declarations of a whole kyngdome, then they tacke God to wittnesse and men, that they are free of the outrages and insolencyes that may be committed in the mean tyme ; and that it be to them no imputatione if they
- N. B.

should tacke such courses as may best secure kirke and kyngdome from the extremitye of confusion and miserye: And withall they doe requyre the clerke of the Parliament to insert ther declaration upon the register, and graunte extractes therof under his hande and subscriptione. A. D. 1639.

The comissioners whom they nominated for to waite at Edinburgh, till the returne of the four comissioners from Londone, wer the Earles Lauthian and Dalhousye, Lords of Yester, Balmerino, Cranston, and Napier. The barrons wer, the comissioners of the three Lauthians, Fyfe, and Tweddalle. The burrows nominated the comissioners of Edinburgh, Linlithgow, Strivlinge, Hadingtoun, Dumbarre, comissionated to attende at Edinburgh the returne of his Majestyes gratiouse answer to ther humble remonstrances, and subscrybed

ALEXR. GIBBSONE.

The copy of this declaratione for substaunce is printed in the Kings Declaratione;* wherat the Covenanters tacke exceptione in ther ansuer, and doe affirme that the author of the Kings Declaratione has erred willfully in the transcribing therof.† It had been weall done for to have poynted at his falsifications; for to ane attentive reader ther will appeare no substantiall chaunge, nor omissione; and for the clauses omitted, printed by them in a diverse character, I can see none of them, though they be abstracted, that will either enervate ther reasones, or spoyle the sence: The Kings Declaratione has omitted something of ther long narrative, and in the rest has onely sett it downe shortlye, yet at farr greater lenth then Mr William Spange in his *Historia Motuum*,‡ who uses not to omitte any thing that may justifie ther actiones.

LXXIX. The Kings exceptions against ther declaratione I shall sett downe, and leave them without ther ansuer, fynding none in ther booke, but “That the just copy of ther declaratione, December eighteenth, itselfe may be in steade of ane ansuer against all that is opposed; therfor they desyre that after the censure therof is reade, it may be reade a second tyme.” The Kings sence of it is,(1) That though in that declaratione ther be a spetious shew of obedience to him, yet, that it was evident that they had wounded his authoritie in the persone of the Earle of Traquaire, who did nothing in that prorogation but by his speciall commandement; and that therfor, for that,

The King's
exceptions
against their
protestation.

* *Pag.* 32. [The declaration is printed at length in the Acts of the Parl. of Scot., vol. v., pp. 286, 287; and in Stevenson's *Hist. of Ch. of Scot.*, vol. iii., pp. 815—820.]

† *Pag.* 13.

‡ *Pag.* 429.

(1) [His Majesties Declaration, 1640, pp. 37, 38.]

A. D. 1639. they could not censure Traquaire without reflecting on the King. And it being positivly affirmed, "That any prorogatione made by the Comissioner alone, without consent of the Parliament, shall be ineffectwall and of no force," This (sayes the King) necessarily implyes that the Comissioner, nor the King himself, has no power to prorouge; wheras, the contrarye is most manifest truthe: And that, though upon his command ther was a shew of prorogatione, yet that they continowd pairt of ther bodye at Edinburgh, upon pretence of receiving the Kings ausuer to ther remonstrance; which, if it should not be to ther lycking, they conclude with a menacinge protestatione, "That it shall be no imputatione to them if they be constrained to tacke such course as may best secure kirke and kyngdome from the extremyte of confusione and miserye;" having first tackne God and men to wittnesse "that they will be free of all outrages and insolencies that may be comitted in the meane tyme;" then which nothing can be more boldly and insolently spokne: Thus farr the Kinge.

Parliament ended; commissioners take journey.

Traquaire returns to court; inflames England against the Covenanters. Mary de Medicis, the King's mother-in-law, comes to England; also the Prince Elector Palatine.

The Palsgrave arrested at Lyons, as he was going to the Swedish army. Lord-Deputy of Ireland was called over to England.

LXXX. Thus ended the altercating Parliament, which had nothing of a Parliament in it, but that it conveened, and satt, and rose againe; not one acte being concluded ther that might tend to the healing of the present distempers. But we shall have it all acted over againe the next yeare, and all thes controverted actes passed for lawes, without King or Comissioners consent.

After the Parliament was prorogate, the four comissioners tooke journey towards Londone, and Traquair lyckwayes, being called by the King for to macke a report to the King of the estate of affaires ther, which he did to the councell boord of Englande, by the Kings directione. I know not how to justifie Traquair his relatione ther, for, howbeit, the King affirmes in his Declaratione* that the four comissioners, after ther coming, did mor then justifie Traquaires reporte.

But the Covenanters in ther Answer† tell us, That ther adversaries can best discover how exact his reporte was, who had taught him befor to saye his lessonne in publicke as might best serve for the endes intended by them, especially to animate Englande against the Covenanters; for the which they had sett ther wittes since the treatye of peace to macke all meanes, wherof Traquaires reporte was a powerfull meanes to cooperate.

It will be hard to reconcile this with Mr. Sandersones relatione,‡ who

* Pag. 40.

† Pag. 60.

‡ Sanderson in the Lyfe of King Charles, [p. 256.]

tells us, that how soone Traquaire came to the courte of England, Hamiltoun and he fell to ther private consultationes, and did draw upp papers to the counceill of Englande seeking to foment the warre; and that he was no sooner come ther but that the archbishopp of St. Andrews, the bishops of Rosse and Breichne, who at that tyme sojourned at London, did accuse Traquaire to the Kinge, and charged him with many treasonable miscarriages in his comission, both at the Generall Assembly and Parliament: (1) By all which it wold seeme that Traquaire, seeking to play with both parties, was trusted of neither; a thing that very ordinarye followes such carriage.

A. D. 1639.
Spanish fleet come to the Downs; attacked by Martin Harperson Tromp (Note, his father a Peterhead man); Spaniards defeated. Part of the low wall of the castle of Edinburgh falls.

Leave we now the comissioners for a while upon the journey towards London, and lett us looke backe upon some other things considerable that fell out in Scotland or England, or the coastes therof, in the latter pairt of the year.

The last yeare, 1638, Mary de Medicis, Qweene Mother of Fraunce, and mother in law to the King of Brittain, not knowing wher to goe, and beinge drivne out of Fraunce by the practises of Cardinall Richeliew, having stayed a while at Brussels, was invited over to England by her daughter, the Qweene, wher she arryved, October thirty-first, 1638, not without the great grudge of the people, who beganne now to hate the Kinges relations; yet glade she was to sojourne at London this yeare, and afterwards.

This was not all; for this yeare, in Julye, the Prince Elector, nephew to the Kinge, came over to Englande, his small army, wherwith he had invested Lenigen, being brockne by Hattfeeld, the Emperors generall, his brother, Prince Robert, and the Lord Craven, both prisoners, himself did hardly escape to England, wher he came seeking assistance from his ounce the Kinge, whose doubtfull affaires could spare no helpe: Onlye the King dealt with the French ambassadour, then at London, that he wold stryve to have a league made upp betuixt the French king and his nephew, ther interests being neer coincident at that tyme. This was undertackne by the ambassadour, and signifyd to Richeliew. Meane while, the Paltzgrave was unadvisedly advysed for to goe privattly through Fraunce, in November, and to goe to the Sweddishe armye; but such was his ill lucke ther, that, being discovered by one of the French ambassadors gentlemen at

(1) [See Burnet's Memoires of the Hamiltons, p. 160.]

A. D. 1639. Lions, and deneying himself, he was arrested and carryd prisoner to Bois du Vincent, wher he was strickly keeped long after. This action was ill tackne upon the King of Fraunce, his pairte; being that it was done in the tyme of a treatye, and consequently savoured of perfidy or falshood at best, which Cardinall Richeliew was knowne not to stand much upon, so that it might serve his ends.

In August, the lord deputye of Ireland was called over to Englande, who, at his coming, was created Earle of Strafford, and remained ther with the Kinge till December, 1639, and then returned to Ireland; wher, after his comming, immediatly, he calld a Parliament for opposing the Scottish actiones, and for raising money for the Kings assistaunce, fynding, befor his parting from England, that the Scottish treaty was lycke to breacke out into a new warre.

This yeare, lyckwayes, September seventh and eighth, came the great Spanish fleet to Downs roade, being about seventy saile, bownde for Dunkirke in Flanders, with a recruite both of men and money. They wer sett upon by the vice admirall of Holland, with seven shippes, wherof, ere he parted, he lost two. The report of ther ordinance gave the alarum to Martin Harpersen Trumpe, the admirall of Hollande (sonne of a Scottish father, one Harper, borne at Peeterheade, in Buchaine), who was lying with the rest of the fleete befor Dunkirke. He came upp by two a clocke, September eighth, in the morning, and joyned with the vice admirall, and maintained a sharpe conflicte with the Spaniard till afternoone, sinking ane gallione, tacking two, and shattering the rest of ther fleete; yet was he but twenty-five saile; and, in ende, forced the Spaniard to the English coast, neare Dover, and left them ther.

The Spaniard, meane whyle that he laye ther, conveyed away four thousand of his men to Dunkirke, in fourteen Dunkirke shippes, yet could not gett of, for day by day the number of the Holland shippes encreased, who did beleaguer the Spaniarde, and the east wynde continowd. The King had sent the Earle of Arundell to Don Antonio d' Oquendo, the Spanish admirall, desyryng him to retreat with the first faire wynde, for he was unwilling they should engadge in his seas, he being at peace with both. But the Hollands fleete, now growne one hundred saile, stopped that, and the easterly windes.

Thus they continowd till October cleventh, lying within pistoll shott of other; the Kings admirall, Penniton, lying off, with thirteen or fourteen

saille of the royall fleete, who had order from the King to syde with the defendour, if either should perswe. The Hollanders, wearye of delaye, used a stratageme for to provoacke the Spaniards; for Van Trumpe, sailing by the admirall of Spaine, gave him a broad syde of his ordinance, loadne with powder only, without ball, which the Spaniarde not tacking notice of, presently payd him backe in earnest. It is affirmed that Van Trompe sent presently to Sir John Penniton, and craved his asistaunce, shewing him that for a vollie the Spaniarde had fallne upon him in earneste. However, it being hard at this tyme for Penniton to know whither that wer trwe or not, he bore off, and gave them sea roome to fight it.

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And then immediatly Van Trompe charged the Spaniardes with canon and fyre shippes, so furiouslye as made them all cutt ther cables; and being fifty-three in number, twenty-three ranne on shore and stranded in the Downes, wherof three wer burnt, two suncke, and two perished on the shore. One of thes was the gallion admirall of Gallitia, Don Andrea de Castro, who carryd no lesse than fifty-two peece of brasse ordinance. [The remainder of the] twenty-three [that wer stranded, being deserted by the Spaniard,] wer manned by the English, to save them from the Dutche. The other thirty, under the commande of Oquendo, and Lopus, a Portuguese went to sea in order, till, overtackne by a great fogge or miste, Van Trompe tooke the advauntage, and gott betuixt the two admiralls and ther fleete, and fought till the day cleard, at what tyme the admirall of Portugall beganne to burne, being fyred by two Hollander shippes of warre. Oquendo perceiving this, sailed for Dunkirke, with the admirall of Dunkirke and some few shippes mor; the rest tackne, eleven sent prisoners to Holland, three perishd upon the coast of Fraunce, one neer Dover, fyve suncke in the fight, and only ten escaped of the admiralls threttie sail. Nor ended the slaughter at sea; for being brought into Holland, and some eight hundred of the prisoners crowded together into a prison at Ramikins, the loft of the upper prison breacke, and crushed the most pairt of all that wer both above and in the lower rowme of the prisone. This short relatione I have, not only from the English wrytters, but lyckewayes from eye witnesses, who wer at that tyme upon the Hollands fleete in the actione, as also from such as wer eye witnesses in Holland to ther prisoners coming ther.⁽¹⁾

(1) ["An Account of the Action between the Spaniards and Dutch in the Downs," will be found in Nalson's *Impart. Collect.*, vol. i., pp. 258—260. And see Spalding, *Hist. of Troub.*, vol. i., pp. 175—177.]

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Considering the posture of affaires, the coming of this fleet looked very evill, lycke another EIGHTY-EIGHT;⁽¹⁾ and many conserd ther coming for no other ende but as calld in to fall upon England and Scotland; and long afterwarde it was tackne in Scotland for a truthe, and preached in pulpittes, and many gave thanks for ther defeate upon that aecompt. Some presumptions fortifyd the conjecture; as, *First*, That twenty-five thousand launde souldiours wer too many for a recruite to Flanders. *Secondly*, That the admirall of Naples refoosed to shew his comissione, though requyred by the King so to doe. *Thirdly*, That Dunkirke stood so much upon the receptione of four thousand of them, till the Cardinall Infanto sent his expresse order. And, *Fourthly*, That the Kinge did so little against them, and strove to hinder the Hollander from engadging.

Yet is is certaine that they wer launde souldiours, unarmed, and fewe officers amongst them, brought out of Spaine by pressing them, and that by a stratageme, fetchng them to the coast to defende a supposed invasione; and for ammunition, they wer so ill stored, that they had little but what they bought by stealth out of Londone; and for the King, they wer both freendes, nor was he in posture to qwarell with either, though it was ane affront done to him by the Hollander to qwarell or fall on in his waters.

It is reported that whilst thes two fleets laye in the Downes, the Kinge was heard to saye, he wished that he wer weall ridd of both of them.

This yeare, November nineteenth, a pairt of the low walle of the castell of Edinburgh fell to the grownde. Generall Ruthven had been put in ther, short whyle after the pacificatione, with a considerable garrison of souldiours, with a proportionable quantitie of vitwalls and ammunitione, and most pairt of them Englishes. He had for his lieutenaut David Scrimgeour, brother to the Viscount of Diddipp; and, it is to be remembered, that much about the same tyme the King comitted the keeping of the castell of Dunbarton to Sir Johne Hendersone. This troubled the Covenanters, and rendred them jealous for to see the castell garrisoned by straungers, but much mor to see generall Ruthen upon ther heade, a souldiour of knowne reputatione abroade, and for gallantrye, and loyaltye, and skill in militarye affaires, inferiour to none of his natione. They weall perceived that it wold not be gottne from him upon so easye termes as befor it had been tackne; therfor, as much as they could they did, for to

(1) [The memorable year of the Spanish Armada.]

presse him in the importing of vietwalls or ammunitione, after the pacificatione : But at the falling of the wall, they refoose to lett him have any materials for rebuilding therof, although he not only requyred them, but produced the Kings letter commanding them, yet he gott no obedience. This generall Ruthven tooke so ill, that from thence forwards his souldiours beganne to grow combersome neighbours to the towne of Edinburgh ; and the King, in his Declaratione, 1640, complains of it as a poynte of rebellion ; but they ansuer him, in ther Ausuer* to his Declaration, that “ materials wer not denyd till, by boasting, professione was made that it was to be turned against themselves and the towne ; neither then wer they altogether denyd, so farr as ther owne necessary use of materials wold permitte.”

A. D. 1639.

Yet neither did the King nor generall Ruthven boast so much at that tyme, nor any in ther name nor with ther warrant : And as for ther scarcitey of materials to rebuild about twenty paces of a stone walle, such as have readde ther ansuer, and knowes what materials are about Edinburgh, cannot be convinced of this scarcitey heer spokne of. But however it was, generall Ruthen was necessitated to macke upp that breache with stackes and railes of timber, in steade of lyme and stone ; which railes wer to be seen ther standing at the Parliament, 1641.

Many ther wer who concluded that this was an ill presage to the King, because it was upon his birthday, November nineteenth, that thes walls fell, and also at such tyme as the castellans were discharging some great ordinance in memoriall of that anniversary. What constructione could be made thence in a superstitiouse waye, I determine not ; praejudice and supertitione being aeqwally ready to misconster all eventes to the disadvantage of such as they hate or suspecte.

This yeare lyekwayes, *Novembris* second, the small copper farthings wer cryed downe to half worthe;† but a little afterward they praeserybed and went out of fashione qwytt. The kyngdome had been much abused by them, both because they wer under the just weight of the copper money, as also, amongst other monopolyes which a whyle befor wer current in England, Sir William Alexander (once of Menstrye) then Earle of Sterlin, and secreteaire for Scottlande, a man extremely prodigall, had purchased a licence for

* *Pag.* 85.

† They wer first cryd downe by the councell, and within six days wer cryd upp agane. by which meanes they came as it wer by a tacite consent of all the people to be rejected qwytt not long afterwards.

A. D. 1639. to coyne above the value of ane hundereth thousands pounds Scottish (some said three hundereth thousande pounds worth), of thes small *Turnors*, for to be some recrute to his creacked fortune, after his former monopoly of selling knyght barronetts patents for New Scotland was growne stale and gave no mor pryce, and after the planting of his kyngdome in Alexandria had mis-carryd. Nor was this all; for, in lieu of his preiveleidge, ther wer aboundance more carryd in unto Scotland by merchants, who brought them from Machlyne, and other places, wher that trade of counterfitting coyne is drivne to the benefitt of none but thes impostors themselves. For some tyme no money was to be seen almost but *Turnors*, which for ease of the receipt, wer putt in many little baggs, and this way compted in dollars. The merchants did hurt the country much by this meanes, for some of the wealthier sort did buy them from Sir William Alexanders factors by weight, in barrells, and entysed the ruder sorte of people to chaunge them for silver coyne, giving to the poorer sort some few *Turnors* of gaine, according to the worth of the silver peece that they exchaunged with them. It is a probleme which I can hardly determine, whither the country wer worse satisfed, and complained mor, or sustained mor injurie, by coyning thes *Turnors*, or by crying them downe; for many wer losers evrye waye, and not a little of the silver coyne was transported at that tyme by the merchantes over seas (for many yeares before they had stollne all the gold coyne out of the country), and ther exchainged to the best advantage, seing that the money at that tyme was current at higher rates then it was in Scottlande. This is that decrying of the money by the Comissioners authoritye which the Covenanters complaine upon in ther parliamentary declaratione, *Decembris* eighteenth.

The silver coyne, befor that tyme, had lyckwayes been miserably adulterate in Scottlande, by one Mr. Beiete, a French man, and a very cheat, who gott in to be maister of the minthouse, wher he exercisid his calling so insolently, that he dared upon the Scottish half crownes, coynd by him, for to putt the letter B, the initiall of his name; in which practise he was imitated by his successor, Mr. Falconer, who sett ane F for the B; yet all thes abuses, at that tyme, wer either unquwarrelld or not punishd, and the penny fyne of the silver scarcely since weall amended.

LXXXI. This summer, the Highlands and north wer reasonable qwyett, little or nothing falling out ther considerable, except the fyre that kindled the Marischall College of new Aberdeen accidentally, by neglect of

Fire that
burnt the
Marischal
College.

servants. This fell out September twenty-seventh, and was not tackne notice of, it fying in the night tyme, till a barke, lying in the roade, gave the alarum to the cittizens, whoise mariners came ashore, and, together with the calme night (for it was extremly calme), wer very helpfull for to qwensh that flamme befor a qwarter of the aedifice was burnt; which was all the losse, except of some few bookes either embeasled or purloynd, or, by the trepidatione of the crowding multitude, throwne into a deepe well which standes in the colledge yard (or courte); which bookes the magistrattes of the citty had givne order to carrye out of the librarye, which was next to the burning, and, had it once tackne fyre, wold have defaced the best library that ever the north pairtes of Scotland saw, being sent thither by the munificence mostlye of Mr. [Thomas] Reade, sonne to James Reade, sometyes minister at Banchorie, upon Dee, some sixteen myles from Aberdene. This Mr. Reade had been secretaire to King James the Sixth for the Latine tounge, and, duringe his residence at London with the King, had amassed this library, which at his death, he mortifyd to the New Colledge of Aberdene, as his brother, Alexander Reade, doctor of medicine, and publicke professor of chirurgerye at Londone, diverse yeares afterwarde did, in his lyfe tyme, gyffe a considerable stocke of bookes to the Universitye of Aberdene. This I could not but tacke notice of by the waye, being that the most pairt of James Reades childrenen wer men of extraordinar qwalifications, as himself was a man of a notable heade peece for witte.

This yeaere lyckewayes dyed Doctor Robert Barron, minister of New Aberdeen, and professor of divinitye ther in the Colledge Marishall; who, befor his death, had been designed bishopp of Orkney. He dyed at Bervicke, not long after the pacificatione, whither of melancolly or by hurt of travell, he being a corpulent man, and not much accustomd therunto, it is uncertaine, possibly of both. He was borne in Fyfe, and in his younger yeares had professed philosophy in the Universitye of St. Andrewes, with great applause, as his philosophicall wryttings, most pairte in printe, doe testifie, so acute in scoole philosophy and divinitye, that the after tymes admire him; and none in Scotland has risne that can as yet paralell him, since his owne tyme. He had been minister at Keithe, in the presbytrye of Strathbogye, for some yeares after he was admitted to the functione of the ministrye, and from thence brought to Aberdeen, where he preached, and taught in the scoole, and worotte against the Jesuitte Turnbull, withe aeqwall applause. Some other of his *opuscula* are in printe, but many mor

A. D. 1639.

Dr. Robert
Baron dies :
also arch-
bishop Spot-
tiswood.

A. D. 1639. as yet in manuscripts. He was set a worke to wryte an ansuer to Bellarmine his Controversyes, which he perfyted, and carryd away with him to England the manuscript copy therof, ready for the presse, wher he was forced to flye from the Covenanters in the beginning of this yeare; but, after his deathe, his executors sold it away (amongst others of his bookes) to ane unknowne gentelman, an English knyte; this they did, not knowinge what it imported, and, for ought I could ever learne, it is not as yet recovered to this daye. The controversye, *De formalj objecto fidej*, had been bandyed tuixt him and George Turnbull, a learned Scottish Jesuite; but death preveend him befor he gott licence to duple to the Jesuite, whose ansuer he had gottne into his handes and smyled at, and had shaped a duple to him at his spare howres, but it wanted the last hande, and so perishd with himself. Hee was one of thes who maintained the unansuerable dispute, the yeare befor, against the Covenante, which drew upon him both ther envye, hate, and calumneyes; yet so innocently lived and dyed hee, that such as then hated him, doe now reverence his memorye and admire his workes.⁽¹⁾ In hasting him to his grave, they did ridde the church of Rome of ane hurtfull enemye, and robbed the reformed church of one of her best championes that ever Scotland afforded; and the worst that his most bitter enemyes, to this houer, can say against his memorye is, that he was a great opposer of the Covenant; his judgement wherof dying was (as it had been whilst he lived), that the Covenant had givne the papistes the greatest advauntage, and done the greatest hurt to the protestant religionie in Scotland of any thing that ever had befallne it since the reformation: whairin, if he spoke true or not, I leave it unto the events that followd to determine, and either justifie or condemne his verditte givne therupon.

Finally, this yeare upon the twenty-sixth day of November, dyed Johne Spottiswoode, archbishopp of St. Andrews, at Londone, in the seventy-fourth yeare of his age, and was honorably buryd in the chappell of Westminster, by the Kings owne appoyntment: Of whom I shall saye little heer, seing that his lyfe is to be reade in the beginning of his Historye of the

(1) ["My heart," says Baillie, "was only sore for good Dr. Barron: after he had been at London printing a treatise for the King's authoritie in church affaires, I suspect too much to his country's prejudice, he returned heavilie diseased of his gravell; he lay not long at Berwick till he died. Some convulsions he had, wherein the violent opening of his mouth with his own hand or teeth, his tongue was somewhat hurt: of this symptome, very caseable, more dinn was made by our people than I could have wished of so meeke and learned a person." Letters, vol. i., p. 221.]

Churche of Scottlande; a booke which (as Dr. Jeremy Taylor, in his preface ther unto prefixed, weall observes,) had the happ for to have such a storme treade upon the heeles of it, for to smother it, as had done the authors being alyve.⁽¹⁾ He was a man hatefull to the Covenanters, and to all presbyterians. Befor the tymes of the Covenant, Mr. David Calderwood had, in severall of his polemickes, fallne hottly upon him; and after the Covenant beganne, he was qwarrelled at almost in all ther remonstrances, and, in ther esteem, judged no other than a papiste: His very memory batefull to them, and persecuted in his posteritye, specially in his worthy sonne, Sir Robert Spottswood, who felt the strocke of the parliamentary axe at St. Andrews, *anno* 1645; of whose noble martyrdome (if God give me lyfe and leisenr), I shall afterwards give a mor particular accompt. Yet bishop Spottswoods booke is a tombe, and a lasting epitaph, which his greatest enemyes will never deface; a booke qwarrelled at for nothing but for telling too much of the truthe. One thing is not to be omitted heer, which he spoake a dying.* When Hamiltoune came to him and asked his blessing, he said that he wold not refoose his lordship his blessing, but he behoved to tell him that church and state wer in a dangerous condition; he, therfor, did exhorte and conjure his lordship to be instrumentall to qwensh that flamme, which he knew his lordship might bee; but, if he did it not, then he assurd his lordship that God wold raise upp and send a delyverance else wher, but that his lordship and his house wold perishe: Whither heerin he spoake with a profeticke spiritt or nott, the event has made it manifest. The occasione which brought him to Londone befor his death, was the declared enmitye which the Covenanters baire against him in Scotland; which was so great, that neither his place, being both Lord Chancellor of Scotland and Archbishop of St. Andrews, Primate of Scotland, nor his graye haire, could secure him from the effrontes of the unruly multitude; which did necessitate him, in the begining of the Covenant, to betacke himselfe to a voluntary exyle, wherin he founde mor civilitye then at home, and founde his Princes court another native cuntry, after his owne had castne him off in ane unworthy manner.

A. D. 1639.

(1) ["This History being wrote in ealm and quiet Times, and by a person whose temper and disposition was not unsuitable to them, had the ill hap to have an hideous Storm tread upon the heels of it; which, among other greater wrecks and Ruins, might very likely have buried this, never to have been raised up againe: But Providence had so disposed of it, that a Copy of it, *etc.*"]

* See bishop Spottswoods Lyfe [by Bryan Duppa, bishop of Winchester,] in the begining of his booke.

A. D. 1639.

Counter oath
to the Cove-
nant.

LXXXII. It was this yeare lyckwayes that the tacking of ane oath, counter to the Covenant, was prosecuted in England and Ireland, which had been sett on foote by the deputy the yeare preceeding, and was much qwarelled at and remonstrated against by the Scottish comissioners, amongst other of ther instructiones, as afterward shall be told. The forme of the oath was as followeth : * “ I, A. B., one of his Majestyes subjectes in the kyngdome of Scotland, doe, by thes presents, signe with my hande, upon my great oathe, and as I shall be answerable to God upon my salvatione and condemnatione, testifie and declare, That CHARLES, by the grace of God, King of Great Britaine, France, and Irelande, Defender of the Faithe, is my soveraine lorde ; and that, next unto Almighty God, and his sonne Chryst Jesus, he is over all persons in his Majestyes kyngdoms and dominions, and in all causes, as weall ecclesiasticall as civill, supream governour : To whom, his heires and successors, I am bownde, in dutye and alledgiance, to all obedience, if it wer to the losse of my lyfe, estate, and fortunes ; and I doe heerby abjure all combinations, covenants and bandes that can be pretended upon pretext of relligione or libertye of the kyngdome ; and specially the damnable and treasonable Covenant, commonly called the popular Covenant, so much magnifyd now in Scotland ; and doe promise never to tacke armes against his Majestye, his heirs and successors, offensive or defensive, but to abyd constant in alledgiance, duty, and obedience, which I professe Almighty God hath tyed me too, and to doe the ontermost of my power against all oppositions whatsoever, forraine or homebredd. So helpe me God.”

Such another oath did James Earle of Oboyne cause administer this yeare, 1639, in summer, during the tyme that he was in armes :⁽¹⁾ It was givne to none but such as wer either suspected Covenanters, or had

* Covenanters Answer to the Kings Declaration, *pag.* 72. [Stevenson's Hist. of Ch. of Scot., vol. iii., pp. 799, 800.]

(1) [“ I do faithfully swear and subscribe, profess and promise, that I will honour and obey my soveraigne lord king Charles, and will bear faith and true alledgiance unto him, and defend and maintaine his royall power and authoritie ; and that I will not bear armes, nor do any rebellious act or hostile against him, or protest against any of his royall commands, but submit myselfe in all due obedience ; and that I will not enter into any covenant or band of mutuall defence and assistance of any sort of persones by force, without his majestie's soveraigne royall authoritie ; and do renounce and abjure all other bands and covenants whatsoever contrair to what I have sworne, herein professed and promised, as help me God in Christ Jesus.”

“ This oath,” says Spalding, “ was imprinted at England, sworne and subscribed by all the king's loyall subjects ther : wherof the lord Aboyne brought ane imprinted double to be subscribed here in thir parits.” Hist. of Troub., vol. i., pp. 148, 149.]

avowedly subſcribed it. His oath was of ane higher ſtraine then this, for ſuch as tooke it ſwore not to correſponde or have ſocietye with any Covenanters, either directly or indirectly, but in ſo farr as the neceſſity of ther private affaires ſhould force them. It was tackne by ſome few, and obſerved by none of thoſe who tooke it; and it preſcribed with Aboynes comiſſione, about the tyme of the pacificatione, and was afterwards laid by, lycke ane almanacke out of date, by the prevalencye of the Covenanters, who, for ſeverall yeares afterwarde, grew maiſters of Scottlande, and confederatts with the Engliſh Parliament: And now it is high tyme to putt an ende to this troublesome yeare, 1639, and ſuch eventes as therin wer moſt remarkable.

A. D. 1639.

LXXXIII. The Covenanters being advertiſhed, by ther private intelligence from ther freinds about court, that the King was thinking upon a new warre; and that all the bygone jangling in the Parliament, and poſtponing ther comiſſioners, was for no other ende but till the King ſhould putt himſelfe in a better poſture, thought it not meete to relye muche upon the good ſucceſſe of ther comiſſioners at London: Therfor they fall to conſult how to macke ready new forces, in caſe they ſhould fynde it needfull to tacke armes againe. They had detained moſt of ther officers; but the laſt yeares expeditione and levyes had emptyd ther purſes very muche; and ther project of releefe of ther burthen, by ane acte of Parliament, had mett with a demurrer to ther great diſcontent: Therfor, they fall upon a new inventione, which was to valve evry mans eſtate, and, in the interim, that all ſhould ſubſcrybe a Bande for Releefe of the Common Burthen, according to the proportion of ther revenwes or eſtates. This projecte was at firſt givne out to be only for the payment of ther dettes already contracted; but ſhortly after it was made uſe of for the ſucceeding tyme. The caball of ther depuſments was kept up as a myſtery amongst the pryme leaders of the Covenant, who, under colour of diſcharging what was already owing, impoſed what they pleaſed for the tyme to come. And becauſe all ſaw that, by this devyce, they wer involved in ane arbitrary taxe, ſo that they did not know how muche they wer to paye, nor for what, therfor it gott the name of the BLYND BANDE, in a ſcoffing waye. And now many of the Covenanters eyes beganne to be opened by this Blynde

A. D. 1640.

Covenanters
prepare for
hoſtilities.
Blind Band.
The ſubſcrib-
ing the Cove-
nant without
limitation is
urged. Re-
paration of the
caſtle wall;
ammunition for
the caſtle.

A. D. 1640. **Bande**, for to see what they had oblidged themselves to in the Covenante, who at first little apprehended how deepe it was lycke to drawe. The ministers, lyckwayes, who wer by this tyme beguune againe to crye out against the King, and his evill counsellors, and the popish prelatts, did mainly exorte and recommend this worke in their pulpitts. For the readers satisfactiōe, I shall sett downe both the formulas of ther obligatiōes, and the instructiones therwith conjoyned, as they wer sent through the country. It was called by themselves the **Bande auent** the Common Releefe; ther wer two in number.

The first and ouldest **Band** this:

“ Wee, and others undersubscribers, within the of considering that forasmeeke as in the late troubles of this kyngdome, diverse weall affected noblemen, gentlemen, burgesses, and others, did depurse in victwall and money, or otherwayes, and has takne upon ther credite great sums of moneye (the burthen wherof being too heavy for them to beare), equitye and reasone craveth that they wer releevd and reimbursed therof; and specially seing the benefitt as weall of removing of evils as of the reformatione of religion now established by the late Assembly, endyted by our dreade Sovereaigne, and authorised by his highnesse regall authoritye, has communicate to all and everye good and loyall subject within this kyngdome, evry one ought and should contribute aeqwallly and proportionably acording to his meanes and fortunes for releefe of the saide common charge: And because the determinatione of the Parliamēt [auent] the saide common releefe is delayed, and the tyme therof yet uncertaine, wherby thoise who have depursed, undertackne, or lent ther moneyes, victuall, and other, lyes out of payment as weall of principall as annuell rents, to the weackening and hazard of thier credite, and to the daunger and ruine of ther fortunes and estates, unlesse tymouse and speedy course and remeade be tackne be nutwall concourse of the whole kyndome for releefe and defraying of the saids burthens: Therfor we bynde and oblesish us, and evry one of us, our heires, executors, and successors, ilke one of us for our oune pairtes, and conform to the proportion of our estates, meanes, and fortunes, either in launde, money, goods, or others, wherby profite and commodity yearly aryse, to content and pay to persones appoynted for ingathering the same, the just, aeqwall, and proportionable parte of the saides haill common charges debursed, advaunced, and furnishd, for the common bussinesse forsaide, and publicke use of the countreye, since the beginninge of

the saide late troubles, as the same common charges shall be founde to extend and amounte too, after tryall and just calculatiōe of the haille accomptes therof by thiose entrusted with the examinatiōe and tryall therof; and that acording to the proportiōe of our laundes, moneyes, goods, and others of our estates forsaide, as the same shall be valued and estimate by four or moe sworne launded men, or others of good credite, fame, and estimatiōe, to be appoynted, within ilke presbytrye of this kyngdome for that effecte, to whiose determinatiōe and estimatiōe to be givne up under ther handes and subscriptions, we doe heerby submitte ourselves anent the said estimatiōe of our estate and meanes, and that at the terme of Wittsonday next to come, in this instant yeare of God, 1640, or at such other tyme, or in such manner and forme as shall be appoynted by the generall order to be tackn by thiose who are entrusted theranent: And because the forsaide summes depursed, as said is, doe pay annuell rent, termly and yearlye, Therfor, in caise of not thankfull payment be us, or any of us, ilke ane for our owne pairtes of our proportionable pairte of the saides sowmes, so to be imposed upon us at the saide termes respective, we obleidge us and our forsaides to pay annuell rent for the same at the ordinarie rate, after the saides termes of payment, with ten merkes for ilke hundreth merkes in caise of faylye; but praejudice alwayes to suite excecutione heeron: And because the saide proportionable pairtes are to be payed by us as weall heritors, lyverentars, as wthers, acording to the proportiōe of our yearly rente, worth, estate, and meanes, as free rent and worthe, and not burthened with debttis or other burthens; Therfor it is hereby declared, that the debtor shall have retentiōe from his creditour in the first ende of the rente, or annuell rent, of the dwe proportionable pairte of the saide summe, effeir- and to the rate and quantitie of the saide annuell rent or burthen, payable be the saide debtor to him or them: It is heerby declared, that what summs of money, vietwall, goods, or money depursed, lent or employed, for the publicke use, or tackne by warrant of the comissioners or officers of arms, and for the armyes use, upon promise of repayment be worde or wrytte, the same shall be allowed to the persons debursers, or from whom the same was tackne, after tryall made by thosie entrusted upon the saides accomptes, that the same is [just] and reasonable; providing alwayes, the saide depursments be givne to the saides persons entrusted with the saides accomptes be-
tuixt and the day of next to come, together with the instructions therof, wtherwayes no allowance nor retentiōe to be graunted;

A. D. 1640.

A. D. 1640. As also it is declared, that whatsoever person or persons shall not paye ther annwell rentes yearlye, within the yeare, or at least within three moneths thereafter, shall have no retentione of the saide proportionable pairte." Registration *in communj forma*.

The New Bande :

" We, all and evry one of us, underscrybers, considdering how just, aeqwitable, and needfull a thing it is to have the common charges bestowed in the late trouble of this countreie payed, and thoise who have givne out money, victwall, or others, and thoise who have undergone the trouble therof, payed and releevd of the same as speedily and tymously as may bee; Doe heartily, willingly, and freely, offer and promise, for us, our heires, and successors, to pay and delyver ilke ane of us, for our oune pairtes, to _____, or ther deputies appoynted for receiving the same, the sowme of ten merkes Scottish money, of evry hunderethe merkes of yearly rent dwe and payable to us, and ilke ane of us, evry one of us for our owne pairtes, conforme to the estimatione to be made of the saides yearly rentes, by four or moc sworne men in eache presbytrye of the kyngdome; to whoise determinacione, anent the saides rentes, we doe heerby acquiesce, conforme to the instructiones directed for that effect, and under the conditions therein contained; whilke summe of ten merkes moneye of evry hundereth merkes, as saide is, we oblige us and our forsaides to paye betuixt and the _____ day of _____ next to come, together with ten merks money forsaide for ilke hundereth merkes failye, by and attour annwell rent in caise of retention, after the saide daye. It is declared that, because evry man payes for his rent as if it wer free of any debtt or burthen, except ministers steepends, few and other duties, dwe to his Majestye, or with clause irritant; Therfor the detter shall have retentione from his creditour of the lycke summe payd by him out of evry hundereth merkes of annwall rente, or other burthen, provyding the saide annwell rent, or other burthen, or dwytes, be always payd within the yeare or three moneths thereafter, at farrest, otherwayes they shall have no retentione." Registration *in communj forma*.

Ther was ane Informatione or instructiones lyckewayes sent along with thes obligations, which, after a long preface⁽¹⁾ of the aeqwity and necessitie of that releefe and common benefit that all had, (which was drawn in

(1) [It is printed at length in Spalding, Hist. of Troub., vol. i., p. 185.]

wordes and substance not unlycke the first Bande its narrative) followd the instructions themselves. Tacke them shortlye : A. D. 1640.

First, That the generall Bande be subserybed be all noblemen, gentlemen, heritors, and others, within evry sheriffdome, who shall be conveyened for that effecte, be the persone entrusted after speeifyd; which persone shall make a particular accompt therof, betuixt and the day of next to come, with a particulare note of the names and designations of thiose who have subserybed the same, and of thiose who refoose or delay to subserybe the same, as well burgers as lauded men.

Secondly, That the noblemen, gentlemen, and heritors, within ilke presbyterie, at the least so many of them as, after intimatiōe to be made to them, maye conven and make choise of four or moe sworne lauded men, or others of good fame or credite; who shall tacke exacte tryall in such manner as they shall thinke fitte, of the yearly worth of evry mans rente, in vietwall, money, or otherwayes; to distinguish the particulare rent of evry severall paroshin; and to make the estimation of the vietwall, as they shall fynde reasonable.

Thirdly, To conceale the particulars of every mans rent, that it be not divulged but to ther own neighbours amongst themselves.

Fourthly, In valuing rentes, nothing to be deduced except ministers steepends and few duties, or the Kings dwes, or wher ther is a clause irritant.

Fifthly, The rent of merchants without burgh, such as buyers or sellers of vietwall, to estimat according to ther stocke.

Sixthly, Lyverenters must be valued as heritors. Rents that pay girsoms⁽¹⁾ and small duties, to be considered.

A rolle of the totall summe of ilke paroshin rent thus tackne upp to be set downe and subserybed by some of them, testifying the truthe, upon honour and credite, according to ther knowledge. Ther is ane agent appoynted within eache presbytry of Scotland to prosecute the bussinesse, who is to give his account of diligence at Edinburgh, against a day appoynted. In burghs, they have power to nominate ther owne valutors, who are to except nothing out of burgers estates, but ther dwelling houses; the rolles *in cumulo* of the rent of evry burrough to be givne upp to ther magistratts, who under ther hands shall report it upon credite and conscience.

(1) [“ A sum paid to a landlord or superior, by a tenant or fiar, at the entry of a lease, or by a new heir who succeeds to a lease or feu, or on any other ground determined by the agreement of parties.” Jamieson.]

A. D. 1640.

For eshewing the discoverye of mens estates, every man shall pay for his rent as for free rent, without burthen or debtt; for recompense whairof every dettor shall have retentione from his creditor of ane proportionable pairt as the impositione shall be laid on; and the annwell rent shall be free of any other payment; [but] except the annwell rent be not payd yearly, or at least within yeares, ther shall be no retentione of the saide proportione. The lycke proportionable retentione to be had for valwed bolls or other burthens, or debts payd out of the laundes or rentes.

Lastly, In caise the report come not from paroshins, presbytries, or brughs, against the day appoyuted, then thiose who have the trust in the commone affaires shall have power to impose upon the saide presbytry, paroshine, or brughs deficient, such a proportionable pairte as they shall thinke expedient. Therfor they entreate them to see all thinges done, as they shall bee ther assured freends.

Subscribed, ARGYLE, MONTROSSE, EGLINTOUNE, ROTHESSE, CASSILLS.

Dated at Edinburgh, January eighteenth, 1640.

This project, intended for all the natione, was rejected mostly by all the anti-Covenanting partye, except such as durst not refoose it; and not a few of the Covenanters themselves fownde wayes for to shifte it off; and it was a pill so hard to swallow, that it stode with the stomaches of many zealotts; and although diligence was used, yet at that tyme it tooke not the effecte designed; though afterwarde ther wer mor effectwall wayes fownde out to command all mens estates at ther pleasure.

About this time that ther was diligence used for subscriptione of the Blynde Bande for releefe, ther was as much diligence used by the zealotts of the miuistrye, and others who wer knowne to be weall affected for subscribyng of the Covenant generally, by all, with the interpretatione or additione of the Assembly of Glasgow, ratifyd in the Assembly of Edinburgh, 1639. And now as they grew mor imperiouse to urge subscriptions, so they beganne to refoose to lett any body subscribye the Covenante with limitations, restrictions, or declarations, as befor they had done.

Whilst these things are adoing, the King is advertished that they had refoosed to lett generall Ruthven have any materials for reparation of the low out wall of the castell, which had fallne, November nineteenth, 1639: Therfor he resolves to provyde it better with men and munition, which, if they refoosed to receive into the castell, it wold be an opne breach upon ther pairte. To this pource, two shippes, with a recruite of ane hundereth

souldiours, wer directed towards the Firth of Forth; these shippes had lyckwayes armes and ammunitione to be putt into the castell; and, withall, the King sent his letter, reqwyring (the seerett counsell sayes one, others say, mor probably,) the provost and townes counsell of Edinburgh,⁽¹⁾ to asiste to the putting thes materials safe into the castell: His letter was dated January twenty-fourth, 1641, Whytehall, and was peremptory, to the straine following:

“ CHARLES REX.

“ Trustye and weall beloved, we greet yow weall: Wheras, we have thought fitt to send some men and cannon to our castell of Edinburgh, we doe heerby will and commande [yow] upon your alleadgance to us, and upon paine of incurring the punishment of high treasoune, not only to suffer the saide men and canon to be forthwith lauded and safely conveyd to our castell, by such numbers and parcells as the bearer heerof shall directe: but, lyckwayes, to be aiding and asisting in the service to captain Slingsby and captain Shippman, and such others to whom we have comitted the charge of transporting and delyvering the same: And to this pourpose, we doe heerby straitly command yow to cause boats to be immediatly sent from Leethe to our shippes, to receave and bring upon shore the saide men and cannon; and, when they shall be lauded, to cause ane strong gwarde conveye them safelye, and see them putt upp into the saide castell; and to suppress and resiste such insolencye or oppositiounes that shall be made to this our service; the disturbers wherof we doe heerby reqwyre [yow] for to punish exemplarlye, as in caise of high treasoune: And we doe further heerby will and command yow to give us ane speedy account of your diligence and proceeding heerin, and that yow faile not in any of the praemisses, as yow will answer the contrarye at the outermost perill. Givne at our court of Whytehall, January twenty-fourth, 1640.”

The saylers made such speede that the two shippes came into the roade of Leethe, February ninth; who, instantly after ther arryvall, sent a messenger to the provost of Edinburgh, with the Kings letters, reqwyring ane auswer therunto; wherof generall Ruthven was certifyd also. This putt the comittye of the Covenanters to ther wittes ende; but much mor it did irritate the citty of Edinburgh: They had the wolfe by the eares. To refoose was dangerouse: They feared that Ruthven, upon ther refoosall, wold dis-

A. D. 1640.

February 9.

(1) [The King's letter was addressed "To the Provost, Baillies, and Council of Edinburgh." See Spalding, *Hist. of Troub.*, vol. i., pp. 181, 182; Balfour's *Annales*, vol. ii., pp. 371—373.]

A. D. 1640. charge his ordinance upon the towne, as some few dayes befor he had been threatning to doe upon ther refoosall formerly mentioned: The Kings letter of so high a straine fortifyd ther suspitione of this; they feared lyckewayes, that if this wer refoosed ther comissioners should once mor be returned home without ane answer, if not worse. Upon the other pairt, to admitte of that ammunitioun and souldiourye, they thought, and not without cause, that it was for to admitte of that which some day, and theye knew not how soone, wold be a hurte to themselves. Yet, in ende, it was resolved that men and ammunitioun should be safely putt upp ther, which was accordingly performed the next day, being the tenth of February; yet with this protestatioun, that it was against the lawes of the kyngdome that castells, which are the keyes of the kyngdome, should be garrisond by straungers, specially the castell of Edinburgh, wher the honours of the kyngdome are kept, *viz.*, crowne, scepter, and sworde, and the registers also and publicke recordes; and King James the Sixth, in a speeche to the Parliament of Eugland, *anno* 1607, acknowledged such a practise to be the breach of the preveiledges and fundamentall lawes of the kyngdome; who saide that he could not, albeit a King, garrison Scotland with straungers, as the King of Spaine did by Sicily and Naples: Yet they wold not refoose, to the ende that the King might see ther loyalty and obedience. But however things past thus for the tyme, yet the cittizens of Edinburgh grudged so much therat, that it was the occasioun of blocking upp the castell (amongst other reasones) shortly after; as shall be told in its owne place.

A new manifesto from the Covenanters; burnt by the hands of the hangman. Commissioners get presence of the King; give in a supplication in writing. The counsel vote to reduce the Covenanters to duty by force.

LXXXIV. The cheife of the Covenanters, as they wer provyding for warre at home, so they thought it expedient to accoaste ther freends in England with a new manifesto;⁽¹⁾ wherein they strove both to enforme ther English freends of all that was past, for preventing calumneyes, as also to lett all know the aeqwitye of ther demandes: Which was for substance muche to this purpose:*

That the last yeares pacificatione had putt them in greate hopes of peace, and that the daungers should have evanishd which threatned both nations; as also that therby they expected to have seen a firmer peace and righter understanding than ever settled betuixt the English and them: And if promyses had been kept, theye putt no questione but it wold have been so.

(1) [Ane Information from the Estaits of the Kingdome of Scotlande to the Kingdome of England. Edinb. 1640.]

* Spang, *Historia Motuum*, p. 435.

But ther adversaries wer so malitiose, that they secretly wer still plotting some mischeefe against them; that [as] it was they who had made the articles of the treaty be brockne, and the Parliament to be raised, ane acte that wanted a paralell in Scottland at any tyme befor; so they wer now stryving to caluminate them as seditiouse persons, both to the King and to all the English natione, as if they intended nothing but rebellione; that these calumneyes they vented by ther emisaryes, specially papistes in Englande, who feared ere long to be served in England as they wer in Scottland, by this late reformatione.

A. D. 1640.

An English Parliament is called. Money subscribed by Strafford and other English lords.

That the first injurye they sustained by this meanes was, that a few fugitives wer better beleevd then a whole natione, who are condemned unheard; and that none of ther declarations gott any truste. Secondly, That thes had freedome to informe the King and the English as they pleased, wheras they (the Covenanters), are debarrd from vindicating themselves: That as the last yeares ther postes wer stopped, and ther letters intercepted, so ther enemyes wer doing the lycke now; and, furder, had proeured that ther comissioners sent from Parliament should gett no hearing from the King, albeit himselfe had wryttne to Traquaire expressly for to cause comissioners come and give ane accounte of ther propositions; being therby hopefull to involve both nations in bloode, expecting to reape a twofold benefitt therby, as they are two sortes of men our enemyes: For the churchmen that are ejected hope that the English will repone them by maine force; which acte wold give great advantage to the papists to fall upon both, thus weackned with civill warre. The other sorte of ther enemyes, they said, wer polititians, who heerbye aimed to sett up ther brockne fortunes; or, such of them as wer guilty of erymes, by thes confusions, hoped to escape questione and punishment deserved by them, by ane acte of oblevione, after the warre.

They therfor doe desyre the English nobilitye not to be deceaved againe, but that they wold remember ther owne confessione at the camp, the last summer, upon hearing the Covenanters proposalls: Which was, That hitherto they had been misenformed concerning the Scottish Covenanters actions and desyres, which they founde so just as that they interceeded with the King for to lett the Covenanters have ane Assembly and Parliament; and no wayes set to change the governement, nor to plunder England, as was givne out.

They pray God may manifest the toeknes of his wrath against them, if



A. D. 1640. they wer either yet intending invasiōne of England, or to chaunge the governement of Scottlande, or wished any to raigne over them but the King: Yet they thought none could blame them if, by all lauffull meanes, they endeavoured for to preveene confusions, and resiste the hurt wherewith they wer lycke to be assailld, both by sea and launde, pairtly by not suffering judicatoryes to sitte, or by fostering divisions amongst themselves: Furder, that ther enemyes had threatned that ere long the seas wold be shut upp, and all trade barrd, and incursiōnes to be made upon ther borders, to provouck them to a breache, seeking revenge therby, keeping them in continwall trouble, for to tyre them out and begger them: That it will be better for them for to fight it out then thus miserably to perishe; for if trade be stopped, many familys will be beggered, and the husband man, drivne still to stand upon his gward, must be ruined: That they wer perswaded that all good men of the English natiōne wold be so farr from quarrelling with them upon that accompt, that, upon the contrare, they hoped they wold concurre with them for to bring to deserved punishment such as wer the authors of ther miseryes: That it was the pairt of the Englishes to study how to preserve union betuixt them, who are many wayes united, but specially by the bonde of religione: This ought to macke them joyne forces, that they might all stryve for to pull downe the whore of Babylone, and for to restore the Princess Palatine and her childrenen to ther inheritauce, from which, for many yeares, they are now banishd.

They doe earnestly desyre the counsell of Englande not to beleve the informationes givne in to them concerning the Scottish Parliament, by such as have sought [rather] to curry favour with the greatest ther, then to relate passages ingenuously as they paste. They hope withall that the counsell of England will meddle as little with ther lawes as they have ever done with thers, when controversyes have arisen betwixt the King and them, since the two kyndgoins are independent upon another; and that to cure these ills with warre will be a remedy worse then the sicknesse.

That discorde may interveene betwixt neighbour natiōnes by trusting the informations of enemyes to either; that such has been the comissioners narratiōne of ther actions befor the counsell table of Englande; that it was ridiculouse that ther affaires and relations therof should be tossed lycke a ball from hand to hande by ther enemyes, to the great hurt of both natiōnes; that it wer farr meete for to joyne hand in hand for discoverye of thes deceipts,

least both nationes repent it too late, after a few incendiaries have en-
wrapped them into a warre. A. D. 1640.

That the English second error proceeded from the ignorance of the Scottish lawes, who wer made to beleve that all the articles proposed in the late Parliament by the Covenanters are contrary to the royall authoritye.

That if they understoode which of all thes the Englishes questioned most, they should tacke the paines to prove that they had tackne nothing into ther cognitione but what was agreable to the law, and constant practise of the nationes.

That they had sent comissioners to macke out all this to the King; which they durst not have done if ther actings wer not agreable to the fundamentall laws of the kyngdome, according to which the King is sworne to governe: That thes comissioners would macke it appeare to all that ther enemyes wer innovators, and not theye; who being suppressed, all would be weall, "tacke away the wicked from the King, *etc.*": As the Parliaments desyres is *vox Populi*, and the Kings concessions *vox Regis*, so they pray the conclusion may bee *vox Dei*, wherby Chrystes kyngdome may be promoted, and the kyngdome of anti-Chryst destroyed.

That they wer confident the neighbour natione wold be so farr from trusting ther enemyes, that, upon the contrare, they would be asisting to them Covenanters; and wold pleade for them, at the Kings hande, for to free them of ther greivauces, and to procure a conclusion of ther Parliament.

Then they beginne and give a short deductione of all passages since the pacificatione, showing what wrong and breaches of promise theye had mett with. *First*, That the Comissioner refoosed to ratifie the actes of the Assembly in the Parliament, but with limitations, restrictions, and declaration, by a privat warrant from the King, contrare to his former orders; that he wold have obtruded a declaration in part contrare to the acte of Assembly, August seventeenth,* to which himself had consented; that he refoosed for to passe ane acte recissorye of such actes of Parliament as wer contrare to the newe actes of ther Assembly, at Edinburgh, 1639; that he had rejected all the propositiones of the comissioners of the churche, giving them ofte ill language, and telling them that the ministers wold be worse then the bishoppes, and that the bishoppes though voted downe by the

* *Vide supra.*

A. D. 1640. Assembly, doe yet retaine ther titles, and as much honor done to them as befor: That all thes things could not subsiste with the securing of relligione.

N. B.

Next for the state: The Comissioner had refoosed for to exclude the bishoppes from being members of Parliament, and had rejected ther acte for choise of the lords of the articles, all which they did conforme to actes of Parliament; that he did refoose to deliver to them the registers of Parliament; that he wold passe no acte of oblivion, but such as made them acknowledge themselves rebels: That his ordinaire ansuer to ther strongest arguments was, "The King will have it otherwayes, and will macke yow doe it, if not worse;" ane ill argument to be heard in a free Parliament, which others might meet withall: That though it be contrare to the freedom of Parliaments not to be licenced to passe actes untill the Kinge be advertished and advyse, yet they wer contented it should be so, provyding that the comissioner wold passe other necessaire actes; but that was also refoosed: That ther comissioners wer returned from the King without hearing: That the Comissioner had adjourned the Parliament by the Kings authority, and that under paine of treason; which cannot legally be done by anye to declare a whole Parliament traitors unhearde; yet they had obeyd him in this, both to pleasure the King and stoppe ther enemyes mouthes: That the courts of justice wer not lettne sitte; that they wer barrd from getting of releefe of ther common burthens for expence of the warre; that voide places are kept wanting ministers to preache; that the poor seamen ther goods are not restored; that counsellours and statesmen are putt out of ther places, and no cause instanced whye; that the author of the Large Manifesto is neither questiond nor punished, albeit that booke containe no lesse then two hundereth lyes, which ther comissioners offered at the Kings campe for to refoote: That all articles wer performed upon ther pairt, except the not restitutione of a little powlder which was spent, and some fewe musketts, in all, not worth four hundred pounds Scottish, which they offered for to deduce out of ther accomptes: That new fortifications wer macking; that Bervicke and Carlisle wer kept garrisond, wherby they, the Kings best subjectes, wer saide unjustly to mistruste the King, whilst places mor opne to forraigne enemyes are left unfortifyd; that they had offered, upon a few dayes advertishment, for to put in eight thousand or ten thousand souldiours into thes townes; that ther souldiours wer disbanded but not all the Kings souldiours; that the castell of Edinburgh

is provided with six tymes as many men, and six tymes as much munitione, as the King and Marquesse of Hamiltoun judged at first needfull to garrison it, contrare to the article of the pacificatione, wherby it is agreed that all be putt in that same posture that things wer in befor the troubles; that generall Ruthven sought but fifty or sixty souldiours; that straungers wer putt in ther contrare to the lawes; that ther armes wer canon and mortar peeces, fitter to burne townes then defende them; that lyckwayes Dumbartoun castell was garrisond with straungers, contrare to the lawes: That the Scottish in England and Irelande are compelled to sweare new oathes; that the countrey yet was full of dissentions: That the poor wer much hurt by the small *Turnors*; that the counsell had calld downe ther rate, and six days afterward they wer raisd to a rate six tymes above ther worthe; that in liew of them, forraigners filld the countrey with much of that sorte of small coyne: That all meanes wer used to devyd them and sett them by the eares, yet it had not succeeded, albeit ther enemyes had bragged that the next yeare they wold stirr upp a factione amongst themselves who should destroye them all: That ther enemyes wer seeking nothing but ther ruine and destructione; that, therfor, by the lawes of God and nature, they founde themselves obleidged for to doe somewhat for ther owne preservatione and ther harmlesse defence: That God wold blesse ther enterpryse they pray, and that he wold stirre upp the King, in imitatione of David, that his eyes should bee upon the just of the launde, *etc.*: And, withall, they praye God that all good English men may be endewd with the spirit of prudence and fortitude, who may pleade ther cause without feare, and impede the evils hanginge over ther heades.

The coppies of this declaratione coming in printe and wrytte into the handes of diverse in Englande, founde credite or wer rejected, acordinge as the Scottish and ther cause was favoured by the severall readers therof. But a copy therof comming into the Kings handes, he accounted it no better then* a seditiouse and scandalouse pamphlett, though they termed it "Ane Informations from the Estates of the Kyngdome of Scottlande to the Kyngdome of Englande," and caused it to be reade publiclye at the counceile table; and the lords of counceile, in detestatione therof, became humble suitors to the Kinge, that it might be suppressed by proclamatione, and burnt by the hande of the hangman; which was accordingly done, and

* Declaration, 1640, *pag.* 53.

A. D. 1640. — wherever the coppyes therof could be founde out, they wer suppress diligentlye. In all this nothing so much troubled the Covenanters as that the counsell of England had caused burne it by ther acte.

February 20.

And now it is tyme to returne to the comissioners of the Parliament, whom we left upon ther journey to Londone; who, arryved ther, upon the twentieth of February, 1640, they gotte presence of the Kinge, and wer admitted to kisse his hande. And then they did represent to the King⁽¹⁾ how greivouse it was to them, his Majestyes loyall subjectes, that ther loyalty should be questioned, or ther actings traduced as encroaching upon his Majestyes authoritye or contrary to the lawes: Furder, they craved a publicke hearing befor his Majestyes counsell of both kyngdomes, for clearing ther proceedings to be just and lafull, and for vindicating themselves from all unjuste aspersions laide upon them by sinister informations, and that relatione specially which was publickly made by the Earle of Traquaire, befor the whole counsell of England, to ther praejudice: Lyckwayes, they delyvered to the King a thanksgiving from the Generall Assembye (which yow had befor): And since it was the Kinges desyre and command that whatever they presented should be in wryte, and under ther handes, in obedience to his commandement they gave in another supplicatione, subscribed by their handes. That supplicatione, although it contained many wordes (as most of their papers doe), yet it was nothing else for substance but what is related; except only that ther was craved therby, that Traquaire should give them, in wryte under his hande, that selfe same relatione of ther actings which, befor ther comming, he had represented publickly to the counsell of England: which the King was so farr from thinking rationally, that, in his Declaratione,⁽²⁾ he judgeth it insolent, as also unnecessaire; for ther he affirmeth, that Traquair had related nothing but what they had verefyd, and insisted upon themselves, after ther comissioners wer come to courte.

They had good reasone (it is not to be denyd) for to labour to cleare ther actions by publicke hearing; for, befor ther comming to court, upon Traquaire his relatione of ther actings before the counsell boord of Englande, the King putt the whole bussinesse to questione, Whither, consid-

(1) ["The Proceedings of the Scots Commissioners, sent from the Parliament of Scotland, with the King's Majesty at Whitehall," will be found in Rushworth's *Hist. Collect.*, vol. iii., pp. 992—1015.]

(2) [His Majestyes Declaration, 1640, p. 42.]

dering the insolencye and height of ther demaundes, even concerning civill obedience, it wer not fitte to reduce the Covenanters to ther duty by force, rather then to give waye to ther demaundes, so praejudiciall to the Kings honor and safetie? To this questione, the King having commanded evrye one of the counsell of England to give ther answer, and to declare his opinion by vote, they did unanimously vote in the affirmative: Wherupon the King did resolve soon after to call a Parliament.⁽¹⁾

But this resolutione was not divulged to all the counsell of England; for he had resolved that the transactione of his affaires should be mor clossly carryd then befor, for feare that all should be revealed to the Covenanters. Therfor it was thought necessary for to select a private *juncto*, apart from his counsell, who wer to consult upon the Scottish affaires; and great care was tackne that from thence should be excluded Pembroke, Salisbury, Holland, *etc.*, whom archbishop Lawd called the Hunting Lords, as being of that *quorum*, who wer comissioners at the pacificatione: Yet still Hamiltoun was kept in, who was esteemed, in the repute of many, the most dangerouse and fallaciouse of them all. It was at this secrete counsell, December fift,⁽²⁾ that it was concluded that a Parliament should be called in England, Apryle thirteenth. The King told thes lordes that he approved ther counsell, but he said, "My lords, the Parliament cannot suddenly convene, and the subsidies they graunt will be so long a levying, as, in the interim, I may be ruined; therfor, some speedy course must be thought upon for supplies:" Wherupon the lordes told him they wold engage ther owne credits; and Strafford, with the first, subscribed for twenty thousand pounds sterling; other lords, partly out of loyalte or for modestye, followed his example; and then other lordes wer putt to it to lende, of whom few refoosed: the judges also of the common and civill lawe, with all the officers and appendants of ther courts, did the lyke. None wer mor free in ther contributione then the Papistes, who founde, if things went amisse with the King, the comble of the mischeefe wold fall heavy upon them, who

(1) [His Majesties Declaration, 1640, pp. 40, 41.]

(2) [The following entry occurs in the private diary which was kept by Archbishop Laud: "Decemb. 5. [1639] Thursday, The King declared his Resolution for a Parliament, in case of the Scottish Rebellion. The first Movers to it were my Lord Deputy of Ireland, my Lord Marquess Hamilton, and my self. And a Resolution Voted at the Board, to assist the King in extraordinary ways: if the Parliament should prove peevish, and refuse," *etc.* Wharton's History of the Troubles and Tryal of the Most Reverend Father in God, and Blessed Martyr, William Laud, Lord Arch-Bishop of Canterbury, p. 57. Lond. 1695. fol.]

A. D. 1640. expected nothing but to be ruined by the Covenanters, who declared so downeright against them: And it is affirmed by some wrytters* of these tymes, that some ministers of England wer so farr transported, in ther pulpitts, with ane indiscreete zeale against the Covenanters, that they cryd upp the recusants (papistes they meand) as the King his most loyall subiectes. However, that ther contributione might be putt unto the best fyne, Sir Kenelme Digbye and Mr. [Walter] Montagwe wer sett a worke by the Qweene, for to negotiate for the popish contributione, which was cheerfully givue, in a proportione agreable to ther abillities, both at this tyme and afterwarde,⁽¹⁾ upon new occasions in the following yeares.

All thes transactiones wer no sooner projected but as soone they wer made knowne to the Covenanters; who founde it much for ther intereste for to have ther comissioners about the Kings hande, not only for to cleare ther actings, but lyckewayes to macke freends at Londone, and to draw intelligence upon all occasions to be communicate to ther *juncto* at Edinburgh.

February 26. February twenty sixth, The Earle of Traquaire shewed the comissioners that it was the Kings pleasure that they should subscrybe the two former petitiones givne in [the twentieth day] by them to the King, and that they should heerafter doe the lycke by all wryttes which they gave in; which they did. They lyckeways, upon the other pairte, requyred Traquaire to wryte and subscrybe any directione or commandement which he carryd from the King to them; which he did lyckwayes.⁽²⁾

March 2. March secoud, Traquaire signifyd to the comissioners, under his hande, that they should attend at the counsell chamber the next daye, for such was the Kings pleasure, that they should be heard ther by a comittye of some of his counsell, at two a clocke in the afternoone: the King himself was going that daye to Hamptoune Courte. This was ill tackne by the comissioners, who, therfor, made ther applicatione to Marquis Hamiltoune, desyring him to shew the King that they wold declyne to propose ther desyres and reasons of ther demaundes, or ansuer to any comittye, or anye other, except to the King ther maister, to whom they were sent. This being signifyd to the King, he was contented to delaye his going to Hampton Courte till afternoone, with resolutione to heare them himselfe.

* Annals of King Charles, *pag.* 167.

(1) [Sanderson's History of King Charles I., pp. 285, 286.]

(2) [Rushworth's Hist. Collect., vol. iii., p. 993.]

LXXXV. March third, therfor, acordingly, in presence of the King and his comittye, the comissioners, by worde and wrytte, did both stryve to cleare ther proceedings, to give reasones for ther demaundes, and did supplicate that the Parliament might proceede to the ratificatione of the actes of the Assembly, 1639. The lord Lowdone was spocksman for the rest; his speech is very longe, and many wordes in it:⁽¹⁾ It contained a protestatione of the independencye of the Parliament of Scotland, and that it is subject to no other judicatorye; next, he protestes befor God and the world, That they never had nor has any thought of withdrawing themselves from that humble and dutifull subjectione and obedience to the King and his governement; that they never had nor has any intentione or desyre to attempt any thing that may tende to the diminutione of the Kings power; but upon the contrarye, did acknowledge ther quietnesse, stability, and happynesse to depende upon the Kings persones safety, mainteance of his greatnesse and royall authoritye, as Gods vicegerent sett over them for maintenance of relligione, administratione of justice; that they wold, in evry cause which concerned the Kings honour, they wold, acording to the lawes of the kyngdome, and duty of good subjectes, concurre in armes, *etc.*: That they wold esteeme all dividers betuixt King and them as vipers; that if the King should lend the shaddow of his authoritye to ther enemyes, they wold have ther recourse to the God of Jacob, they heing sworne to defende ther relligione; that, if they offended out of zeale, they fell doune at his Majestyes feet and crave humble pardone: That if ther ansuers of the reasones of ther demaunds gave not satisfacione, they craved pardon, and desyred to be excused, since the registers of Parliament, which they ought to have had for that ende, wer kept from them; that they, withall, expect the judgement of charitye from thoise who ought, rather then passe rashe censure upon them, to professe *ignorantiam juris et facti alieni*; and that they should distinguish betuixt the desyres and actions of a Parliamente, who being conveend by the Kings warrant, are mackers of lawes, and against whom ther is no law, and the actions of private persons, against whom lawes are made: That ther desyres are agreable with the pacificatione, and also with the lawes and practises of Scotland: That, particularly, they concerned either manufactoryes or trades, which are but the interests of private men, and *de minimis non curat lex*: That, for the publick actes, they had

A. D. 1640.

Lord Lowdone's speech to the King and counsel.

Second hearing, at which the commissioners exhibit their instructions. Additional instructions inserted.

The King, by advice of a committee of counsel, resolves to hear the commissioners.

Covenanters exceptions to the King's declaration of the precedent passages. At the third hearing, the King objects to their power and instructions. Earl of Traquaire gives in writing the state of the question. At the fourth hearing, the commissioners give their answers in writing.

March 3.

N. B.

(1) [It may be seen at length in Rushworth's Hist. Collect., vol. iii., pp. 994—997; and in Stevenson's Hist. of the Ch. of Scot., vol. iii., pp. 826—832.]

A. D. 1640. limited themselves by reason and the rule of lawe : For better understanding this, ther ought to be a distinction betuixt *Regnum constituendum*, and *Regnum constitutum*, a settled and not settled kyngdome ; that King James maxime was *salus populi suprema lex*, and this wold be contented to governe people acording to Gods law, and fundamentall lawes : That next they wer to distinguish betuixt kirk and state, ecclesiasticall and civill power ; which, though materially one, yet, formally, are contradiſtinguiſhd in power, jurisdictions, lawes, bodyes, ends, offices, officers ; yet theſe ſo united as Hippocrates twinnes, ſtanding and falling, living and dying together : That this did make them crave of the King who is *custos utriusque tabulae*, that [as] matters eccleſiaſticke might be determind by Aſſemblys, and matters civill by Parliaments, ſo ſpecially that eccleſiaſticke conſtitutions might have a civill ſanctione, leaſt ther ſhould be repugnancye betuixt them : That the King had condeſcended that it ſhould be ſo ; that his Maſteſtyes Comiſſioner, after enquiry of the cauſes of ther evils, had founde the governement of the kirk by biſhopps, and civill places of kirke-men, to be two maine reaſones ; that his conſent to remove theſe things out of the church obliedged him to conſent to remove them lyckwayes out of the ſtate, by neceſſaire conſequence ; and ſo the church to be no mor the third eſtate, ſince biſhopps are no mor ther representatives : That the kirke was not heerby wronged, who was content for to renounce her civill power, as incompatible with her ſpiritwall nature, *et volenti non fit injuria* ; nor was the King heerby wronged, who, ſince he eſteems that it is his pairt, *preſſe ut proſit*, as the inſcriptione of his coyne beares, therfor, he cannot thinke that to graunt his peoples rationall deſyres is any diminutione of his prerogative : That his power is defyned by actes of Parliament to be that power that his Maſteſty has over all eſtates and perſones, and not any particular intereſt mor in one than another, which is not chaungable with the change of any of the eſtates ; that the Kinge had his power befor biſhopps wer in Scotland ; as alſo, when, in tyme of popery, biſhopps depended on the pope ; and alſo, when biſhopps, by oathe, wer formerly abjured ; yet the people ſworne to maintaine the Kings greatneſſe and authoritye.

And ſince they had no other endes but ſuch as ſerved for to eſtabliſh religion and peace, and ſuch as are agreeable to law and the articles of the treatye ; and ſince ther Parliament was the only lafull meanes for to reſcinde ther evils and ſettle peace : Therfor they deſyre that the Kinge

would lett the Parliament proceede to a determinatione; and for anye objectione against any poynte of ther procedure, they wer willing that it should be givne them in wrytte, and they should answer it.

A. D. 1640.

This discourse being ended by Lowdone, the King demanded what power and comission they had to give him satisfacione, and to obleidge those from whom they came? seing if they had none, he behoved to heare them upon greate disadvauntage, they expecting satisfaction from him who had power to give it, but they none to render the lycke to him. The comissioners answered, That ther proposalls being agreable to lawe, they wer confident it wold give him satisfacione. The King asked who should be judge of that? They answered, the lawes wold be so cleere, that ther should be no neede of a judge. And though the King insisted muche upon that poynte, yet they urgd still the same answer; furdre, they said that they had power, and would lett the King see it. The King desyred them for to bring it to him, and leet it be seene what ther⁽¹⁾ instructiones wer. And so for that daye they wer dissmitted to ther lodgings; and the King tooke journey to Hamptone Courte.

After the Kings returre from Hamptone Courte, March eighth, the commissioners wer commanded to be at Whytehall the next daye after, at two a clok in the afternoone; whither being come, the King calld for ther instructions, which they did exhibite and reade. They had two papers with instructions; the first paper was that which was givne to Dunferlemlyn and Lowdone, at such tyme as they wer sent home without hearing; of which paper, I have already givne an accompt to the reader, November fyrst, 1639.⁽²⁾ The second paper of instructions bore date at Ediuburgh, January twentieth, 1640, directed from the estates of Parliament, and are called additionall instructiones to the former; which wer as follows:

Marche 9.

First, To shew that ther desyres are agreable to lawe, and to cleare that by wryte, for avoiding contest about wordes in any tyme heerafter.

Second, To answer or give accounte of ther proceedings to no English comitty, but to the King himselfe.

Third, To desyre that the King would give licence to cleare ther actings from all imputations laide upon them by Traqwaires relatione; and that ther clearing may be publicke befor the counsell of both nations, but without acknowledging them as a judicatorie.

(1) [His Majesties Declaration, 1640, pp. 43, 44.]

(2) [See above, pp. 76, 77.]

A. D. 1640.

Fourth, To desyre a shorte day from the King for downe sitting of the Parliament; and that specially for tacking course about the copper coyne, which beinge cryd upp and downe within eight dayes by the counsell, it is become qwyte to be rejected, or questionable at least.

Fifth, That the King be desyred to lett his royall pleasure be known about such articles as the Comissioner requyred might be communicat with the King before the Parliament should determine therof.

Sixth, To beseech the King not to beleewe misreportes upon them till he first lett themselves know them.

Seventh, To demonstrate to the King that the articles and overtures proposed in Parliament are so necessarye, that ther can be no settling if they be not graunted.

Eighth, To shew the King that, contrare to the articles of pacificatione, and the desyres of the present commander, who sought but sixty men, and contrare to the former practise, which allowed but twenty-four or thirty men at most, the castell of Edinburgh is now manned with seven scoire souldiours or therbye, with a twelve moneths victwalls, with potte peeces, garnetts, and fyre workes, fitt rather for harming the toune of Edinburgh then for defence; as also, that the castell of Dumbarton is manned in lycke manner with English souldiours, all which is contrare to actes of Parliament.

Ninth, To answer objections against the actes of Parliament according to your particular papers theranent.

Tenth, To desyre that the Parliament may goe on and conclude all the articles, and ratifie the Generall Assemblyes actes, and all other things needfull, according to the articles of the pacificatione, and his Majestyes comission, under the great seale.

Eleventh, If any new challendges or propositions be made against us, which yow have no grownde nor warrant to answer, then to wrytte or send to the comissioners at Edinburgh, and crave ther advyce theranent.

Twelfth, Since they heare ther is a Parliament to be called in England, which they have long wished for, to shew they are confident that the English Parliament will consider the estate of ther bussnesse, albeit ther lawes are independent one upon another; and that they will justifie ther proceedings to such a Parliament, if any therin enqwyre in ther actions and demaunds.

Thirteenth, To deale earnestly with the King for a quicke dispatche, againste the twenty-fifth day of Marche at farrest. Subscribed by Lauthian;

Dalhousie; Balmerino; Napier; Dundass of that Ilke; Wachtoune; Thomas Myrtoun of Cambo; William Rigg; Sir David Murray; Sir George Strivling of Keire; John Smyth for Edinburgh; Thomas Bruce for Strivling; James Glen for Linlithgow. A. D. 1640.

Ther instructiones being reade, ther power was calld in questione, as being only subscriybed by some Scottish lords, and other persones of no greate eminency; and the King, with all the comittye present, judged that neither had they a comissione, and that they had neither power nor authoritye to give the King satisfactiōe, or to obleidge any that sent them to any thing that the King should yeeld to, or desyre. The King, therfor, asked, If they had any other powers? They saide, That they had a paper formerly subscriybed by a great many of the lords, and other members sitting in Parliament, wherby the Earle of Dunferlemlyne, and [Lord Lowdon] wer authorised to present ther justification to the King; that both subscriybers and the comissioners wer authorised, with the warrant of Parliament then sitting; that for the present they could have none other, since the Parliament was not sitting now for the present.⁽¹⁾

The King, after advysing with his comittee what was best to bee done in such ane exigence, concluded in ende, he would heare them and the reasones of ther demaundes. They answerd, That ther demands wer, that the Parliament might proceed and ratifie the Assemblye, and determine anent the articles givne in to them according to the lawes of the kyngdome, and articles of the pacificatiōe: And if ther wer any answer to them, or objectione to the contrare, they wer ready to answer it in wrytte. The King saide, It was his Comissioner behoved to give thoise, and that he was to maintaine his Comissioners actions.⁽²⁾

The Marquesse of Hamiltoune being present, and not satisfed (seemingly at least), that none of the comissioners made shew of anye sence of the Kings favour in continowing hearing to them, though he did not fynde himself by ther instructions so to doe, tooke occasion to saye, that though he wer not of ther companye, yet, being a Scottsh man, he held himself obleidged, in all humilitey, to acknowledge the Kings singular and princely favour towards his countrey, and besought the King to accept of his most humble thanks for it. By this the comissioners wer engaged to do the lycke, and so

(1) [His Majesties Declaration, 1640, pp. 44, 45.]

(2) [Rushworth's Hist. Collect., vol. iii., pp. 1000, 1001.]

A. D. 1640. they presentlye rendred to the King, upon ther knees, as reall thankes as Hamiltoun did befor them.⁽¹⁾ Therafter, Thursday, March twelfth, was appoynted for ther next hearing, and the Kings Comissioner commanded to give them his objections in wrytte against that tyme; and so they wer dismissed.

I have givne ane accompt of the former passages of the commissioners ther nogotiatione, as it is related in the Kings Declaratione, *anno* 1640, and in the Covenanters Answer therunto, published that yeare lyckewayes. Befor I goe further we must see what exceptions the Covenanters tacke at the King his declaratione of the pracedent passages.

They complaine that it should have been the judgement of the councell of England "to reduce them to ther duty by force, rather then give way to ther demaundes," for so declares the King.* To this they answer, That this sentence was the sentence of the councell of one kyngdome against the Parliament of ane other; and pronounced upon the hearing of one mans relatione (*viz.* Traquaire), a new creature, and but of yesterdaye, against a free kyngdome of ancient nobles, barrons, and others, and ther two commissioners barrd from hearing and presence: That it was in a matter of warre and peace, which did requyre leisourly deliberatione, and might concerne after ages; that at first they thought it incredible, but afterwarde wer astonyed at it: Yet, for all the repulse of ther comissioners, they had supplicated for new hearing.

Wheras the King, in his declaratione,† tells that ther next comissioners had not sufficient comission. *Secondly*, That they wer persons of no great eminencye who subscriybed it. *Thirdly*, That the King complains that they did neglect a ceremony and complement, wittnessing in ther comissions the sence of his Majestyes grace and goodnesse in hearing of them who had no power to accomodate affaires.

To the first,‡ That the comissioners answered sufficiently for themselves, they reply; they say it had the authoritye first of the Parliament itselfe, and next of the comission of the Parliament: Next, to prove that it was not defective in matters to be treated, they give us the copy of the two severall commissions befor mentioned, which the King founde defective in ther latitude for accomodatione.

(1) [His Majesties Declaration, 1640, p. 46.]

* Declaration, *pag.* 40 and 41; Answer, p. 61.

† Declaration, *pagg.* 44, 45, 47.

‡ Covenanters Answer, *pag.* 64.

To the second they answer,* That the first comissioners was subseribed by subjectes of evrye qualitie sitting in Parliament; that the second could not be so signed, the Parliament not sitting but prorogated; that thes comissioners of Parliament had mor power, acting then as comissioners, then the rest of the noblemen, of whom ther wer aboundance then in Edinburgh; that thes frequent subscriptions, without authoritie, had been formerly reprehended by the King; that the Kings warrant for ther coming approved the manner of ther comissione, being that under the secretaires hand they wer warranted to come and give the reasone of the demaunds made in Parliament. And then for ther latitude they appeale to the comissioners owne Ansuers, *pag.* 45, who declared that the Parliament doeth not sticke upon thes or any other articles of that kynd, anye further then they have cleare warrant in lawe; and as King and estates shall fynde convenient for the subjectes goode.

A. D. 1640.

To the third, the neglect of ther complement they answer,† That the Scottish are mor for realities in expressions of kyndness then of wordes and gesture; that complements at that tyme wold have interrupted and been a losse of tyme in a matter so seriouse; that at that tyme it wold have been interpreted fawning and flattering; that the lycke aspersion had been putt upon them befor; that ther sence was the lesse because they conceived ther instructions full enench; that as they wer obleidged to Hamiltoun his example, so they will be more obleidged to the happy tyme longed for when ther heartes shall be so farr affected with the sence of his Majestyes grace and goodnesse, that ther supplicationes may be turned in thankes-givings to God and the King, ther troubles to peace, ther clamours into acclamations of joye; and that tyme they promise ther shall be no want of ceremony, thankesgiving, or gratulation, for the whole natione.

After the Kings returne from Hampton Court, the comissioners gott new hearing, Marche twelfth. For the second tyme, the King called for ther power and warrant givne by the Parliament to thes noblemen to subscribe ther instructions. They saide that the power and warrant that the Parliament had givne thes noblemen, was contained in the declaratione of the Parliament. The King commanded the whole declaratione to be reade, and complained much upon the same as trenshing upon his prerogative; and diverse objections wer proposed against that declaratione both by the King

March 12.

* Covenanters Answr, *pag.* 65.† Covenanters Answr. *pag.* 74.

A. D. 1640. and comittee; which the comissioners answered, wryting all that was reasond and answered upon the poynte, and withall craved that all that was to be objected against them or the Parliament, might be wryttue. The King commanded Traquaire to sett downe the state of the questione in wrytte, which he did.

At that meeting, lyckwayes,* the comissioners produced the paper givne at first to Dunferlemlyne and Lowdone. The King and comittye did, upon hearing it reade, conclude that it did no mor empower the commissioners to give him satisfacione, or to obleidge thes who sent them mor then the former, and that it warranted them only to justifie themselves. Of this the King gave ane accompt to the counsell of England, who wer of the same judgement with the comittye: And as for ther answers to the Kings objectiones, he calles them impertinent, and justifications of ther actions not any way satisfactorye to him, as being contrary to law and monarchicall government, so farr as that they answered themselves: And, furder,† that, upon debate of the poynte at the counsell boorde of England, the lords of counsell wer of opinion that untill the petitioners sent from the Covenanters wold acknowledge that the supreme magistrate must have authoritie to call Assemblies, and to dissolve them, and to have a negative voice in them, as is acustomed in all supreme powers of Christndome, they ought not to be hearde.

The Covenanters reply,‡ That against some of ther demaunds, the King confessed in his Declaration, *pagg.* 45, 47, that ther was no exceptione to be tackne against them; and for the rest, if they gave a reasone for the Parliaments demaunds, they behoved to be satisfactorye: That for ther adversaries, they wer resolved to receive no satisfacione but in the overthrow of the relligione and liberty of Scottland. As for that *queree* which the counsell of England wold have urged, they tell us, That three or four comissioners could not hold a Parliament at Londone, and leave nothing to the Parliament of Scottland to doe but to approve ther doings; that the counsell of Englands opinione (as they thinke), was not ther sentence; that that counsell should have remembered that ther errand was not to ansuer questions, but to give a reasone of ther demaundes; that at the pacificatione, the King thought it not fitt to insiste upon *querees* of that nature;

* Declaration *pagg.* 46, 47.

† Declaration, *pag.* 51.

‡ Covenanters Answer, p. 75.

that he had acknowledged that the kirke ought for to determine matters ecclesiasticall; that they questiond not what other powers of Christendome did, but they wold stryve to keep ther owne without woronging of others. But I returne to the comissioners. A. D. 1640.

The Earle of Traquaire, as he was enjoyed by the King, did give in the state of the questione in wrytte to the comissioners, as followeth, *viz.* :⁽¹⁾

First, Whether are yow warrantred or instructed from Parliament for to satisfie his Majesty, anent his power of prorouging Parliaments of himselfe, and of his owne royall prerogative simpley?

Second, And whether a Parliament thus prorouged simpley by his Majestyes owne sole royall power, can or may sitt befor the tyme to which his Majesty has prorouged the same? And,

Third, And if you have no warrant nor instructiones heerin from the Parliament, What is your owne private judgement heerin?

Therafter some other propositiones wer givne to the comissioners by the Earle of Traquaire to give in ther ansuers; and the sixteenth day of Marche was assigned to them for their ansuer, *viz.* :⁽²⁾

Fourth, Protestatione givne in at first prorogatione of the Parliament, at least givne in to the Comissioner to be represented to his Majestye.

[*Fifth*], Acte [defuying] the power of [the] Articles.

[*Sixth*], New augmentation of customs to be discharged, and no custome nor impositione to be imposed hereafter, but by advyce of the states.

[*Seventh*], No chaunge of the value of money or coynage therof, but by advyce of Parliament.

[*Eighth*], Bookes of rates to be revised by Parliament.

[*Ninth*], The castells of Edinburgh, Dumbarton, and Stirling, to be entrusted only to natives, and thes to be chosne from tyme to tyme of honest men, by advyce of the estates.

[*Tenth*], Acte anent the judicatorye of excheqwer.

The comissioners enqwyred if ther wer any objections to be made against any of thes articles, that then these objections should be givne to them. It was answered, that the King excepted against them all as praejudiciall to his Majestyes authoritye, and therfor requyred them to shew the reasones why they demaunded them.

Upon the sixteenth of Marche, therfor, the comissioners appeared againe March 16.

(1) [Rushworth's Hist. Collect., vol. iii., p. 1001.]

(2) [*Id.*, vol. iii., p. 1040.]

A. D. 1640. before the King, and presented ther ansuers, in wrytte, for matter as follows: (1)

First, That they wer not to answer but what was in ther instructions; *next*, that propositions wer not actes, but to be castne by or ratifyd as the Parliament saw cause. As to the *querree* concerning prorogatione of Parliaments, they ansuer, It has been alwayes done with consent of the three estates, and for this they instance actes of Parliament in the reignes of all the sex King Jameses; and that they expected not that the King who gave his warrant under his great seale, *pro tentione et observatione Parliamenti*, without any power or clause of prorogatione, wold have requyred its prorogatione without consent of the estates, till such tyme as the Kings condescensions wer ratifyd: That if Parliaments are said to be prorouged *de mandato Regis*, that meanes no mor but the denomination of the acte tackne from him; but it did not inferr that it was without the estates ther consent, no mor then Parliaments prorouged by the state without mentioning the King (Parliment, Jacobi II., Edinburgh, June twenty-eighth, 1450, fol. 33), wold inferr that it was done without the Kings consent: That, Jacobus VI., his letter wryttne May, 1604, to Balmerinoch, desyring that since England had continowd ther Parliament, that Scotland should doe the lycke, by this did evince that the Parliament was continowd with consent of the states: That they would not for all this defyne what his Majesty may doe in the heght of pouer, because to dispute *a posse ad esse* is against law and divinitye; that they did hope whatever the King might doe in power, they wer confident he wolde rule by law, wherof they had shewed the continwalle practiks; or if any affirme or informe other practiekes, *affirmanti incumbit probatio*.

As for the acte craving to defyne the power of the articles, they argwe from the narrative of the acte itselfe. They say that articles are not [older] then King David Bruce dayes; that some Parliaments had no lords of articles; that they wer chosne with the Parliaments consent till 1617; that it was the bishoppes who tooke upon them to remove out of plaine Parliament to the inner house, and to choise some out amongst the noblemen, and the noblemen them, and they two choised the commissioners to be upon articles of shyres and burroughs: That this was a new invention; that now

(1) [Rushworth's Hist. Collect., vol. iii., pp. 1001—1007: Stevenson's Hist. of Ch. of Scot., vol. iii., pp. 836—844.]

effectus removendus est cum sua causa; otherwayes, since bishopps are removed, that evry state choose ther owne articles in plaine Parliament; for *quod omnes tangit, ab omnibus tractari debet et approbari*; et *quod status ac ordines regni potestatem universis commissam, paucis non debent concedere*, except in cases of necessity or utility: That the choise of articles *de facto* was and is arbitrarye, *pro occasione et distinctione temporum*; et *in actibus liberis non currit prescriptio*: That the power of articles is not boundless, not determinative, but preparative; it is but *curatio virtute delegationis*, which endes at the remaunde of the graunter; that Parliaments are not tacked ther voices upon trust from articles, but for to know what they are to vote too after advysement and dispute; that the comissions graunted to shyres and burroughs give prooffe of this, and actes of Parliament.

To the augmentatione of customs, and booke of rates, they answer, That the augmentatione of customs was only condiscended to by some of the barons, being imposed by the exchequer; that such impositions have been upon forraigne and native commodities by the states consente; that the burroughs craved that new augmentations might be agreeable to justice and lawe.

Concerning the valwe of the copper money, they answer, That the counsell has caused it passe currant farr above its intrinseque rate, that is ther countreys coyne, and send it in great quantities; that tinkers doe the lycke; other money all removed, crying them lately upp and downe, hath made them to stoppe, so as not currant now, and has ruined many poor people: Lyckwayes, crying upp dollors above the rate in other places, has made the Kings coyne be tackne awaye; and then crying the dollars downe when other money was scarce, has made it scarcer: That they only crave that the standard of money, which Parliaments from tyme [to tyme] have defyned, be not altered without advyse of Parliament, which they prove by instancing many actes of Parliament: That the King himself, Parliament 1633, gave the counsell a comissione concerning dollars and copper moneye.

Concerning the keeping of Edinburgh castell, *etc.* by natives, they doe give a reasone, from the nature of the charge, and practise of former Parliaments of the Kings predecessors; that the three estates in Jacobus VI. his tyme, ordaine the demolishing of Insh Keith fort, and of Dumbarr castell; that by actes of Parliament, 1578, 1585, 1606, the Kings houses wer dissposed of by actes of Parliament: That it is not consonant to the law of nature and nations to doe otherwayes; and that when the Scottish

A. D. 1640. consented to the unione with England, 1604, it was with reservatiōne of the fundamentall lawes, libertyes, and preveledges of Scotland, wherof Jacobus VI., in his print speech befor the Parliament of England, acknowledged that he could not make Scotland a naked province, as the Spaniard does Sicily and Naples: That they had, notwithstanding, verifid ther loyaltye in this particular, having admitted straungers to keepe a place wher the honours and registers of the kyngdome are preserved: They seeke only that captaines be placed by advyce of Parliament, and such as are putt in in intervalles be tryed by the councell, and approved as faithfull men ere they be admitted.

As for the judicatory of the exchequer, they answer, The exchequer is a judicatory not subordinate to sessione; to the sessione it belonges for to judge upon the validity of rightes, so cannot be competent to a coordinate judicatorye. *Second*, The lords of exchequer are incompetent judges in a declaratiōne of nullitye. *Third*, The exchequer, till it was givn them, anno 1593, by Parliament, had not power to judge of suspensions, farr lesse can they have power to deseyde heritable rightes: That the act 1633, they conceive, grauntes only a power to the exchequer to dispute heritable rightes, but not to dissyde them.

The commissioners debate Traquaire's carriage. Commissioners answers; desire to be dispatched. Lord Lowdon imprisoned in the Tower; three other commissioners put into the custody of the judges of London.

LXXXVI. Thes answers being reade and debated, the commissioners fell to debate Traquairs carriage, who refoosed to ratife in Parliament the acte of the Assembly, August seventeenth, wherin he had consented to the abolitiōne of bishopps, *etc.*; and then the comissioners pressed the Kinge to dispatche them home, shewing that ther staye was dangerouse: Then the King desyred them to attend his leisour further, and appoynted Marche twenty-third for ther next bearing; and that befor that day all further demaunds that wer to be made to them should be givne in. Therfor upon the twentieth day of Marche, about six a clocke at night, the Earle of Traquaire sent to the comissioners the propositions following, which wer the rest of ther articles.⁽¹⁾

First, Protestatiōne against the thesawrer and privy seales precedencye, that ther giving way to the thesaurer and privy scale should not praejudge them of ther right.

Second, Acte anent constitutione of Parliaments in tyme comming was therafter (although it had been remitted to his Majesty to be considered

Martii 20.

(1) [Rushworth's Hist. Collect., vol. iii., pp. 1040, 1041.]

till the next Parliament), questioned by some of the nobility and barrons, who urged to bring it in to open Parliament without any such reference. A. D. 1640.

Third, Article craving every severall commissioner of shires to have a severall voice.

Fourth, Article craving the Parliament to choose their owne clerke, or to have two of every estate joyned with the register; and that all actes voiced in Parliament be subscribed by two of every estate.

Fifth, Article for every estates choosing their owne lords of articles.

Sixth, Acte discharging proxies.

Seventh, Acte discharging the booke called, A Large Declaratione.

Eighth, Commissioners of shires to give a rolle of free holders, out of the which justices of peace are to be chosne.

Ninth, Acte anent the disorders of the northe.

Tenth, Articles craving the counsell to be subalterne and censurable by the Parliament.

Eleventh, No patent of nobility to be graunted to any but such as have ten thousand merks of [yearlye] launde rente.

Twelfth, No taxatione to be graunted but in plaine Parliament.

Thirteenth, Acte of pacificatione.

Fourteenth, Article craving particular commissions of justiciarye and livenantrye to bee discharged.

Fifteenth, Article in favours of sheriffs and stewards, only to be oblidged to produce horning for the taxatione.

Sixteenth, Patent of macking powder to be discharged.

Seventeenth, Acte discharging remissions for slaughter and theft, but upon satisfacione to the pairtye.

Eighteenth, Acte discharging protections.

Ninteenth, Acte of common releefe.

Twentieth, Article craving the acte 1633 (ordaining that confirmations and infetments of ward lands shall not praejudice the Kings warde), to be repealed.

Twenty-first, Acte discharging the dutye payd to the conservatour upon the coale.

Twenty-second, Article craving ammunition and armes, brought in since the beginninge of the troubles, to be free of custome.

Twenty-third, Article anent the electione of the president of the sessione, and admission of judges presented by his Majestye.

A. D. 1640. *Twenty-fourth*, Acte craving statesmen being noblemen to have but one voice.

[*Twenty-fifth*], His Majestyes warrant for Mr. William Haye his deputacione in his fathers place, opposed by the rest of the clerks.

Martij 23. *Martij* twenty-third was the next tyme appoynted for the comissioners appearaunce befor the King; upon which daye the ansuers following were presented to thes former propositions.⁽¹⁾

To the *First*, They ansuer, That in law and practise all who conceive themselves praejudiced may protest (evne wher actes of Parliament pass against them), that ther giving way to what they conceive hath no law for it should not prejudice ther right, which is only craved *prout de jure*.

N. B. To the *Second*, It was urged to be brought into opne Parliament, because in that acte there was a clause for *stataria Parliamenti*, once in two or three yeares; which being conceived praejudiciall to the King his authoritie, or that he wold qwarell at it, was rejected; though they confesse frequent Parliaments necessaire in the Kings absence: Therfor they urged nothing but a right constitutione of Parliaments, and ane acte past for to repeale former actes of Parliament, contrare to the Assemblies conclusions. For without ane acte recissory, they hold it impossible for to get a valide Parliament, because former actes of Parliament macke no acte valide but such as passeth with consent of the kirke: So the Parliament behoved to be declared lauffully constitute without the kirke; and prellatts had ther vote only in name of the kirke, which now declares bishopps no members therof, by the Kings Comissioners approbatione.

To the *Third*, They say it is *repugnantia in adjecto*, that comissioners should be calld to determine matters in Parliament and yet have no decisive voice: That former Parliaments gave all free holders vote in Parliament; but no such preiveleidge is craved now, but only two for a shyre, who in law have decisive voice; which if it bee not marked, so it is either the ignorance or corruptione of clerkes: That the contrare practise wold give two comissioners of shyres to eache half a voice, so that one of them could not be putt upon articles without the other, and the one being absent the other could never vote; which is contrary to reasone and custome.

To the *Fourth*, They saye, they only desyred some to asiste the clerke for right numbering the voices, and no mor.

(1) [Rushworth's Hist. Collect., vol. iii., pp. 1007—1014.]

To the *Fifthe*, They say, it is agreable to the libertye of all judicatoryes for to chuse ther owne preparatory delegatts, otherwayes ther actiones are *a non habente potestatem*. A. D. 1640.

To the *Sixth* and *Serenth*, They ansuer, first, Proxies can give no mans judgement a right, who knowes not what is to be determined in a Parliament wher he is not present, and knows not what is to be proponed. As for the *Serenth*, They doe remitte it to the King, and intended no furdur.

Concerning the Great Manifesto, they ansuer, That they only recommend the Assemblies supplicatione therabout to be represented to the King.

That comissioners of shyres should give in rolles of justices of peace, they saye, was aequitable, because they best know the ablest men in ther shyres.

Concerning the disorders of the north, they craved nothing but that former actes of Parliament for punishment of theft, rapine, and oppression, might be reveeved, and such additions subjoynd as the King pleaseth.

Concerning the counsellis being censurable by Parliament, ther is no craved but that the actes concerning leeing mackers and divyders betuixt King and people, be reveeved.

For not graunting of taxts but in plaine Parliament, they remember it not.

The acte of pacificatione (they saye) was framed by advyce of lawers, in such termes as might express the Kings justice, goodnesse, and fatherly care, without woronging the honest intentions of his subjectes.

The acte for particular justiciaries (they saye) craved nothing but the representatione of ther abuses to the King, to have them graunted upon necessitye, and rescinded when ther was no neede of them. N. B.

The desyre that horning should exoner sheriffs of the taxatione, they saye, is not new, but has been oftne befor urged in former Parliaments.

Concerning the patent for powder macking, they thinke that the Earle of Linlithgows patent fallies by a clause irritant; for he is therby obleidged to keep the workes going, and serve the countrey, which he has not done: therfor they desyre some other lither to be employed.

Concerning remissions for slaughter, they desyre that the praejudices flowing from such remissions may be represented to the King.

For discharging of protections, they craved only the reveiving of former actes of Parliament.

A. D. 1640.

The acte for common releefe, they saye, has the consent of the most pairte, and itself is agreable to reasone, since the benefitt is generall to all; all taxes being graunted ordinarily *ad relevationem imperij, ob conservationem libertatis, ac dignitatis, ac religionis, vel ad utilitatem communem subditorum*.

For the acte 1633, they crave only the meaning therof to be explained.

For the conservators taxatione, they saye, he had no warrant for it in his gifte; therfor the coale maisters craved to discharge it as unlauffull.

For armes and ammunition to be custome free, they say, it is warranted by law, which frees all things from custome that are not brought in to be sold againe, but for private use.

For the article of electione of the president of the sessione, *etc.*, they saye, they sought nothing in it but the ratifying the thirty ninth act of Parliament sixth, Jacobi VI., 1579.

For statesmen, being noblemen, to have [but] one voice, they remember no such acte.

Concerning oppositione of Mr. William Haye, they ansuer, That the Comissioner, to whom they produced ther reasones in printe, can best give ane accompt therof. Finally, they saye, some of thes articles are of small concernement, *et de minimis non curat lex*; and, for any of them, the Parliament stiekes no furdur upon them, then they are warranted by lawe, or as the King and estates shall fynde convenient. And, finally, they desyre that the King maye command the Parliament to go on and ratifie the Assembly, *etc.*

After ther answers wer reade, the comissioners desyred to be dispatched to thiose who sent them; wherupon they wer removed, and within halfe ane howers space called in, and the King saide, That he could not now appoynt them any tyme for dispatche, but that he would tacked his owne tyme to consider of his ansuer, and wold then make his furdur pleasure knowne to them. However, this was ther last hearing at that tyme; so all ther negotiatione produced no other effecte but the imprisonment of the lord Lowdone, one of ther number; of which mor afterwards.

The comissioners wer commanded to abyde still at Londone, and thereafter three of them wer putt into the custodie of the judges of Londone. Lord Lowdone was putt by himselfe into the Tower of Londone; nor was the Kings pleasure made knowne to them till his printed Declaratione, intituled, "His Majesties Declaration, Concerning His Proceedings with His Subjects of Scotland, Since the Pacification in the Camp neere Berwick:" which hitherto, in the narratione, since that tyme, I have confronted with

the Covenanters Large Ansure, which, in that same yeare, 1640, they printed in ansuer to the mistackings therof; for so they terme them. And this will save mye paines of giving a particular accompt of either, for both are mostlye historicall.

LXXXVII. In that manifesto the King made not all these proposalls a grownd of a qwarell unto the Covenanters, but only such of ther intended actes as I have insisted most upon in the history of that abortive Parliament. To it I must send backe the reader for to fynd the Kings exceptions and the Covenanters ansuers therunto, either ther or in ther papers givne in at court, wherof I have givne a trwe though a shorte accompt.*

A. D. 1640.
King's Declaration of his Proceedings since the Pacification.

Yet wer not ther ansuers satisfactorye to the Kinge, though oftene repeated in ther Large Ansur to his Declaratione, 1640; wherin they tyre the readers patience by oftn repeating the same ansuers, without any substantiall variatione. But it is now tyme for to lett the comissioners rest a whyle from ther ansuers, and to looke to Edinburgh; wher matters in this *interim* wer not disputed with arguments or with the penne, but all was turning to blowes and unto ane opne breache and hostilitye.

LXXXVIII. It hath been told how the King sent a supply of men and ammunitione, in February, 1640, to the castell of Edinburgh; which was admitted not without reluctancye, specially of the cittizens of Edinburgh, who grew so offended therat, that they fall upon a resolutione for to levie some foote companyes; which accordingly they performed. Ther pretence was to gwarde the towne of Edinburgh from the insolencyes of the castellans, but in effecte to blocke upp the castell; and for that ende they sett upp a *court du garde* not farr distant from the outmost gate of the castell of Edinburgh, wher ther new souldiours did keep watch by turns. This startled generall Ruthven, who was too able a souldiour for to be thus baffled; therfor, he desyres that ther *court du garde* and souldiours might be removed, otherwayes he wold tacke the next course for to remove it: For it is to be remembered that ther refusall of materialls to reedifie the castell wall had already put a jealousye betuixt him and the cittizens, and ther gwardees wer not a waye to better thinges. But insteade of grauntinge Ruthven his desyre, the comittye of Parliament, and townes counsell of Edinburgh, resolve, by a joynte consultatione, to laye a close seidge to the castell; and so much the rather because ther intelligence from England

Foot companies levied at Edinburgh: a court of guard set up against the castle; lay siege to it: commissioners sent in to the castle; Ruthven gives the citizens an hour to advise. They are about removing themselves and goods; an uproar. Many anti-Covenanters seized by the townsmen; who wer soon released on subscribing the Covenant.

* See mor to that purpose afterwarde, eight pagges after this page, [below, pp. 137, 138.]

A. D. 1640.

Ruthven fires
some shots on
the town.

assurd them, that the King was providyng for a newe armye; as also that, February fifteenth, Algernon, Earle of Northumberland, had been alreadye comissionate generall of the Kings armye, and that they wer to enter Scotland in the spring tyme under Piereye his conducte.

Meane whyle, Ruthven urgeth the removall of the *courte de garde*, otherwayes he threatnes to shoote great granads from his mortar peeces upon the towne of Edinburgh; which easily, they knew, he might doe. This both incensed and terrifyd the burgers, who therefore employed the Earle of Southeske, and Sir Lewis Steward, advocate, (both knowne to affect the King, and consequently the mor acceptable to Ruthven, as they presumed), for to goe to the castell, and give generall Ruthven faire wordes, if possibly therby they could prevaile with him so farr as to macke him delaye his hostilitye for some tyme: but ther was no assurance givne to him that the gwards should be tackne off. All that thies comissioners could prevaile was, that generall Ruthven was contented to give the cittizens ane howre to advyse themselves: after which tyme, if they continowd in ther denyall, he bidd them expect the worst from him. Ruthvens answer being returned to the provost of Edinburgh, in the hearing of a multitude of the cittizens, who gott advertishment that a number of indwellers of Edinburgh, and others residents in the towne, wer tursing ther baggage and houshold stuffe with intentione to remove from Edinburgh; the multitude wer so startled therwith, that they fell into ane uproare, and in a tumultuary way they not only hindred such as wer upon ther removall from Edinburgh, and compelled them to staye in the towne; but they lyckwayes seise upon the two comissioners, Southeske and Sir Lewis Steward, and leade them prisoners to some of the magistratts houses, setting gwardes upon them. Nor did ther furye stay or terminate thus, but such others as were knowne to be anti-Covenanters they lyckwayes seise upon; particularly Mr. James Fairly, who had beene designed to be bishop of Argyle; Mr. James Gordon, keeper of the signett: Mr. James Ferghwardsone (brother to Donald Ferghwardsone of Monaltrye), ane advocate, and Huntlys solicitor: thes wer lyckwayes made sure in severall lodgings, and gwards putt upon them. Mr. Robert Burnett, advocate⁽¹⁾, (brother to Sir Thomas Burnett of

(1) [Afterwards a Judge of the Court of Session, by the title of Lord Crimond. He was father of Gilbert Burnet, the well-known bishop of Sarum. This part of our author's narrative was, like some others, probably derived from the laird of Crimond's own lips, with whom Gordon was familiar. See The Miscellany of the Club, vol. i., p. 50.]

Leyes), was seized upon lyckwayes by a pairty of townes souldiours, after he was gone to bedd ; and after some discourse with him, it was graunted to him, as a great courtesye, that a pairtye of souldiours shoulde gwarde him all that night at his owne house, he being sickly at that tyme by chaunce. But Sir Thomas Thomsons of Duddistone mett with aue harder measure, for they clapt him into fetters. The reason that Sir Thomas Thomson was putt in irons was, because it was supposed he had closser correspondence with the castell then any of the rest ; as being not only active for the King, but also neerly related to David Scrimgeour (sonne to the constable of Dundee, lievtenant of the castell, under generall Ruthven), whose sister was Sir Thomas Thomson his ladye. After some tymes restraint, they wer all released and sett at libertye, most pairt of them having first subscribed the Covenante as the pryce of thier libertye. The reasone that they wer seised upon was, a suppositione that Ruthven, hearing that the gentlmen wer involvd into the daunger, wold upon that accompt have forborne shooting upon the towne, whilst the townsmen had such pledges of him. But they wer mistackne ; for Ruthven forbore not to lett flye some canon shott amongst them. for all that. The multitudes fury being a litle allayd, fynding that ther project failed, the magistratts of the towne stept in and strove to pacifie them towards ther prisoners, protesting that the miscarriage of the multitude was much against ther mynde. The lycke did such of the Covenanter noblmen as wer at Edinburgh for the tyme, who tooke paines for the enlargement of the prisoners. And they (particularly Southeske), in compensacion of that favour of being pulld out of the jaws of the unruly multitude, must wrytte apologeticke letters for the Covenanter noblemen, and for the magistrattes of Edinburgh ; wherein they cast the fault of all ther sufferings upon the unruly multitude, and withall, shwed that had it not been for the nobilitye and magistratts of Edinburgh, they had been in greater hazard ; wherfor they protest that the King should not laye it to the charge of the Covenanter noblemen and magistratts of Edinburgh, as ther deede : Which testificatts the Covenanters had reasone for to be earnest to procure, under Southeske and others of ther hands ; for at this very tyme ther comissioners wer at Londone, and in the Kings power. I dare not affirme whither they wer all at first putt under restraint upon any such accompt, as to compense the affront done the King, by imprisoning Southeske, a counseller, and other gentlemen of qualitie ; but it is sure the King tooke it so ill, notwithstanding of

A. D. 1640. Southesk's extenuation thereof, that afterwards, in his manifesto,* which was published about that time, he made it one of the reasons of his new expedition against the Scottish.

Rampiers of
earth raised
as defences
against cannon
shot; batteries
of cannon
planted.

LXXXIX. In the meane while the cittyzens wer raising a rampier of earthe for defence of ther *courte du garde*, against the canon shott of the castell; and quickly after they raised great high traverses of earth, which crossed the High street of Edinburgh, in manner of blynds. Thes traverses were canon prooffe, and the earth made fast with timber, that the people might walke safe upon the High street; and the houses neerest the castell wer filled with earthe. Ther was a regiment of foote under the command of one collonel Blairst afterwards sett to besiege the castell, and severall batteryes of canon planted about it; wherof one was layd neer the Grey Freer Church; and ane other battery at the West Church; a thirde upon the corne fields north from the castell, upon the place called commonly the Hardgate; and some peeces lyckways were planted in places convenient, about, or, in the houses neerest the castell: All which batteryes wer framed by the directione and projecte of Sir Alexander Hamiltoun, brother to the Earle of Haddingtoun, ingeneer and master of artillirry to the Covenanters. Thes batteryes wer made use of some tyme afterwards rather for to keepe the townsmen in courage and hopes, then out of any hopes that the Covenanters had to gaine the castell by any such meanes; and therfor they would be doing something, at the towne of Edinburgh ther charges, in shew, rather then the townsmen should thinke that they wer doing nothing; for thes who understoode fortificatione knew that the castell had mor naturall strenth then to be tackne by storme or by canon shotte.

Subscription
of the Cove-

XC. About this time,† the ministrie, and others employed for that

* Declaration. 1640, pag. 55.

† March [tenth]. 1640. dyed Dr. William Gordon, professor of medicine in Old Aberdeen University, etc. [Dr. Doctor Gordon, mediciner, and one of the founded members of the colledge of Old Aberdeen, and common procurator therof, departed this life upon the 10th of March, in his own house in Old Aberdeen; a godly, grave, learned man, and singular in common works about the colledge, and putting up on the steiple therof most glorious, as you see, ane staitly crown, thrown down be the wynd before." Spalding, Hist. of Troub., vol. i., p. 191. Dr. Gordon was a contributor to the Funeralls of Bishop Patrick Forbes. See that work, pp. 347—352. He is commemorated in Strachan's Panegyricall Oration on the Founders and Benefactors of the University of Aberdeen: "Quam denique apte cum sublimi & aetherea suae artis contemplatione, facile et expeditam praxin consociavit Gordonius! Medicus & Alchymista eximius, aetate quidem alius minor; at prudentia, morum gravitate. & vitae sanctimonia (quam plerique dum causis secundis inhererent negligunt) nemini secundus: quibus omnibus de gente illa (ex qua multi fuerunt, qui bello insignem

ende wer bussye evrye wher, urging the subscriptione of the Covenant anew by people of all rankes and degrees, specially by ministers. And because the Doctors of Aberdene wer thought by ther example to have disgusted the most part of the ministrie of the diocese of Aberdene with the Covenant, therfor speciall care was tackne that now all of them, without protestatione or declaratione, should subsyrybe, according to the Assemblyes declaratione: And to this pourpose Mr. David Lindsey, minister at Belhelvyes, a man glade to have any employment that might declare his zeale for the Covenant, gott a comissione to conveene all the ministers of the diocese of Aberdene for that ende. To which pourpose, he came from Edinburgh, as the comitty of Parliament ther comissioner; and, by letters direct to each presbytrye, requyred all the ministers of that diocese to be present at New Aberdene, upon the twenty-fifth of Marche; whither, according to Mr. David his indictione, they punctually conveend, and all subsyrybed, except Dr. James Sibbald, Dr. Alexander Scroggye, ministers in Aberdene; Dr. John Forbess, laird of Corse; and Dr. William Lesly, principall of the colledge of Old Aberdene. Dr. Sibbald sent in a letter of excuse, pretending that he had catched a cold in his heade some of the dayes preceeding. The regents lyckwayes of the two colledges all subsyrybed, except one, Mr. William Blackhall, one of the regents of the new colledge of Aberdene, who asked a tyme to advyse upon his subscriptione; but the result was that he tooke so great scandall at the Covenant, that shortly after he betooke himself to a voluntary exyle, and forsooke Scotland, and turnd papist, rendring himself relligieuse, and never returned agane to his native cuntrye to this hower.⁽¹⁾ The great argument

A. D. 1640.
nant urged.
Doctors of
Aberdeen.
Mr. David
Lindsay causes
the ministers
in and about
Aberdeen to
subscribe.
Names of
those who
stood out.
New subscrip-
tion by the
citizens of
Aberdeen.

gloriam pepererunt) posse etiam ingenia pacis artibus valentia prodire comprobavit." A. Strachani Panegyricus Inavgralis, quo Autores, Vindices, & Evergetæ Illustris Universitatis Aberdonensis, iustis elogiis ornabantur, pp. 22, 23. Aberd. 1631. Middleton speaks of him as "a very worthy person, of great Judgment, and well seen in the Science of Physick." Appendix to Archbishop Spottiswoode, p. 27. His son, James Gordon, parson of Banchory St. Devenick, was the author of a work of which great erudition is not the only remarkable feature: "The Reformed Bishop: Or, XIX Articles, Tendered by *Φιλαρχαίος*, A Well-wisher of the present Government of the Church of Scotland, (as it is settled by Law) In order to the further Establishment thereof. Printed for the Author. Anno Dom. 1679." 8vo. Maidment's Catalogues of Scottish Writers, pp. 63, 115.]

(1) ["About the 24 of February [1642], Mr. William Blakhall, one of the regents of Colledge Marschall, a prompt scoller, bred, borne and brocht up in Aberdene, and never yit out of the cuntrye, refusit to subscribe the cuntrye covenant, as the rest did, quhairupone he was deposit of his regency; thairefter he leivit simply in sober maner within the toune. He is callit in suspitioun of poperie, he is convenit befor the Session of

A. D. 1640. that Mr. David Lindsey used, to perswade the ministry to subscribye (besyde the acte of Assemblie) was *ab incommodo*, telling them that such as wold not subscribye the Covenant, behoved to resolve no mor to be ministers in Scotland. Many who subscriybed at that time resolved to give obedience, saying they had rather fall into the hands of God by perjurye, then into the handes of the Covenanters by beggarye of themselves and families; and some of them at that tyme wer heard to saye, That, after ther subscriptione, they had been craving God pardon for ther oathe which they had tackne.

The cittyzens of Aberdene must now lyckwayes be authoritatively invited to a new subscriptione, (many of them having hithertoo stooode out); and the graund promovers of that worke wer Patrick Lesly, ther provost, and Dr. William Guild, their minister; the rest of ther ministers being either deade, or opposite to that worke. To that pourpose, several invitations and intimations they had givne to them from the pulpitt, after ther weeke dayes sermons, for to come to the New Church, and subscribye the Covenant. The worke went slowly on; all ther proselytts at that tyme being some few burgers or tradesmen, who came by twos or by threes, at severall occasions, to subscribye; and thes beginning to follow the fortune of the Covenant, rather then any new convictione that they did meet with. The better sorte of cittyzens, who wer mor knowing, stood out as yet mostly, though mor silent then befor; and wer gained upon afterward by degrees, as the Covenant prosperd, and not a few of them by hard usage, after ther towne was garrisoned, as after shall be told; who wer glad to give ther names to the Covenant, to shunne oppressione, dayly [insolencies], fynings and imprisonments. Some few of them fled, such as William Scott, a pylott,⁽¹⁾

Aberdene, and at last brocht befor the presbiterie vpon the forsaid 24 of Februar, the samen then sitting within the Colledge of Old Aberdene, Mr. David Lindsay, persone of Balhelvy, moderatour. He is accusit of what religioun he wes of, and of what kirk he wes. Efter sum answers, at last he planelie and avoutlie declairit he wes ane Romane Catholik, and wold byd be the samen, to the astonishment of the haill heiraies, being of ane uther professioun, as appeirit, and so pertlie (now in tyme of the hottest persecution of papists heir in this land) to manifest himself so. Alwaies, efter sum dealing with him by the ministrie and bretheren, at last he is excommunicat, and chargit to conforme or leave the countrie. This may be nottit with the fyre of the said Marschall Colledge, as ye have befor, as ane second viscit; the thrid follouis. This Blakhall wes excommunicat upone the 20 of Marche, syne leavis the countrie." Spalding, Hist. of Troub., vol. ii., p. 10, 11. See also p. 45.]

(1) [The sufferings of this humble but devoted Loyalist are duly commemorated by Spalding. See Hist. of Troub., vol. i., pp. 206, 207, 238, 257; vol. ii., p. 9.]

and others; and for ther paines a pairt of ther goods wer seizd upon, and employd to publicke uses; as some of William Scottes timber was, to build *court de gwards*, and other things necessary for the Covenanters souldiours, this summer following, in 1640. Meane whyle Dr. Guild (as others who stooode for the Covenant, of the ministrye, in other places) made the pulpitt to ring with Covenant langage, and arguments for it: and his zeale was such for it at that tyme (though afterward he fell off), that he was seene, in tyme of his sermons, to draw papers out of his pocketts, and spreade them opne upon the breast of the pulpitt, for conviccion of some of the non-Covenanting cittizens, who denyd that ther wer anye such papers of concessions and agreements betuixt King and Covenanters as the doctor affirmed: yet wer thes papers at too farr a distaunce to be reade by thes incredulouse non-Covenanters from the severall corners of the churche.

A. D. 1640.

XCI. Nor was the King and the deputy of Ireland, his agent ther, any whitte bussyer seeking for subsidye towards a new warre in England and Ireland, then the Covenanters wer in Scotland: For contributione was evry wher agented and urged, either voluntarily or by imposte, and no devyce was ther left unessayd for getting money, the sinnew of warre; such as the Blyde Bande, and tenth of the hundereth, and silver plate sought out and brought in to be coyned, the whole cupp boords of some families either voluntarily givne to that use, or lent upon publicke faithe. But thes things, specially the calling for plate, beganne not to be hottly urged till August following, this yeare 1640; about such tyme as the Scottish army wer mackinge readye for Englande, to march in thither anew.

Covenanters seek contributions; silver plate given in and coined; [they] call home officers from Holland and other places.

Lyckwayes, the Covenanters beganne to call home severall expert officers from Holland and other places, who came dropping over to Scottlande this yeare, as they had come the former yeare, to serve ther native countreye. And it is affirmed by some of the English historians of thes tymes, that such as came over to Scotland from Holland, had ther places kept for ther returne vacant in Holland; but that suche as came over for to serve the King from Holland wer carsheered, and other officers putt upon the heades of ther regiments and troopes or companies. Whither this wer trwe or not, I affirme nothing; I relate it only upon the credite of the wrytters.

XCII. Much about this tyme, the King sent a proclamacione to Edinburgh, with a letter to the magistratts, requyring them for to cause proclaime it publicly at ther mercatt crosse; the contents wherof wer, That the

Proclamation discharging Argyle from his office of

A. D. 1640.

justiciar; ordering all to disown the committee of Parliament sitting at Edinburgh; sent to the magistrates of Edinburgh and by them slighted.

King writes for eight noblemen from Scotland to come to London, but denied.

earle of Ardgylle was discharged by the King, from that tyme forwardes, from executinge any office of justiciarye of the Westernne Isles (ane office which some of that family, befor him, had stuckne in the possessione of, without any patent that they had to produce for it, till such tyme as King Charles graunted it to him, by the sollicitatione and procurement of the old Earle of Mortoun, father in law to Argyll), and he to surcease therfrom till such tyme as he answer to the Parliament of England for misdemeanors to be laid to his charge. Lyckwayes, that proclamacione ordered all persons whatsomever for to disowne thes lords, and others sitting for the tyme at Edinburgh, under the name of a comittye of Parliament. This proclamacione, and letter from the King, being delyvered to the counsell of Edinburgh, it was by them communicated to the comittye of Parliament, and, by a joynte consent, laid by and slighted; for now they wer gone a stepp beyond protestations.

The King lyckwayes, about this tyme, discharged some counsellors and officers of the state, whom he founde disaffected to him, and stickling hotly for the Covenantant: ane acte that the Covenanters complained upon, as upon his former proclamacione, as being actes neither agreeable to law nor justice. But the breach was evrye day growing greater betuixt the King and them, and it seems some of thes things wer done by the King to trye ther loyaltye, since they pretended to so great a measure therof. Of lycke designe, it seemes, was the Kings wryting for eight noblemen Covenanters for to come to Londone, about the tyme that ther comissioners wer confyned ther. But they who could not be induced the summer befor, immediatly after the pacificatione at Bervicke, for to come to Bervicke to the King, in any number, when new jealousyes wer not brockne out amongst them and the King, wer not so easily at this tyme to be drawne to Londone; the detentione of ther comissioners ther, being of ane ominouse significatione to others who wold treade the same path after them (which they sticke not to tell the world in ther Answer to the Kings Declaration, 1640). Therfor his call to thes eight noblemen gott such obedience as his proclamacione for discharging of Argylles lieutenantrye; who all alonge, albeit he made least noyse, and acted least, seemingly, against the Kinge, yet, long ere now, the King beganne to smell him out as his most dangerouse and implacable enemye, under hand carrying on the designes that wer masked with the Covenant against the King; and, finally, the very spring and lyfe therof. Yet wyse men thought that thes actions by the King against him, disco-

vered the Kings ill wille to him to no good pourpose; and consequently obdurd Argyle in his malice and enimitye against the King, so farr as Argyle saw no waye for to secure himselfe (in his owne conceipt), but by the totall and finall ruine of the King and all his pairtye; having dis-enabled both of them from hurting him, and cutting of such of the heades of the Kings pairty, whoise power, wisdom, or oppositione to the interest of his family, or envyouse greatnesse, did render them aeqwally suspected and hatefull to the Earle of Ardgylle.

XCIII. The King forseeing what things wer lycke to turne to, betruixt the Scottish and him, had sent the Earl of Strafford to Ireland, in Decem-ber, 1639, for to conveene a Parliament ther for procuring subsidies from them, towards the expense of the warre, which he forsaaw. This was gone about so dilligently by Strafford, that now in Marche he returnes to Eng-land with a reporte of ane ample subsidye graunted ther by the Parliament of Ireland; no less then four subsidies for the maintenance of ten thousand foote, and fifteen hundred horses; besyde voluntaire contributions offered or promised by many in Irelande. Yet in England ther free offer-ings wer not so greate; all was cast over upon the Parliament, which was to meete Apryle thirteenth.

A. D. 1640.
Irish subsidy
and contribu-
tions. King's
answer to the
Covenanters'
objections.

Yet, however thes contributions went on but leisourly in England, the Kinge, by what was promisd from Ireland, founde himself in some condi-tion for to stande upon princely termes with his Scottish subjectes. Therfor having confynde the Scottish comissioners, in steade of ane answer to ther demands, he putts out his Declaratione; the last pairt wherof was (for I have givne account of the former pairtes of it, and the Covenanters Ansuer thertoo): He, having first shwed how many wayes they had fallne short of the observacione of the articles of the pacificatione at Bervicke; and, secondly, how many encroachments they had made upon his royall prerogative in the late Parliament; as also, how that, under pretext of a Parliament, they wer seeking to destroye the fundamentall lawes of Scotland, which actes of thers, he saide, ther comissioners sent to London had stode to, and did justifie all: Therfor now, in the third pairt of his Declaratione, he comes to ansuer ther objections, which the Covenanters pretended for themselves.

The first objectione concerning his promise of a free Parliament, he sayes, That, for ansuer thertoo,* no man of ordinary sence could imagine that it

* Declaration [1640], p. 47.

A. D. 1640. could be so free as not to be limited with the Covenanters owne conditions, subseribed by the Lord Lowdon; which was that they sought only to enjoye ther libertyes according to the ecclesiasticall and civill lawes of Scotland: But now since they had passed thes boundes, he held himself disobleidged, except that the Covenanters wold have him only obleidged, and [themselves] left at libertye to flye at monarchicall governement without controlle, by destroying the royall power and authoritey, which they wer endeavouring to doe by ther insufferable intended actes and demandes, contrary to law and reasone.

To this the Covenanters ansuer,† That the Comissioner refusing to repeale any actes of Parliament inconsistent with ther new actes of Assembly, therfor, in this particular, ther actes of Assembly are not ratifyd as was promised they should bee. *Second*, They tell us that Parliaments have power to macke and unmacke lawes, as they thinke expedient. *Third*, For other propositions, they tell us that they wer for the good of the kyngdome, and did not trench upon the King his prerogative.

The particulars that the King challengeth (though mentioned befor), yet I shall heer subjoyne with the Covenanters ther rejoynder. *First*, The King does except against ther attempt to chaunge the forme of the choise of the lordes of the articles; he urgeth for them three hundred yeares prescription, and fourth Parliament Jacobi VI., cap. 218. The Covenanters ansuer (or rejoyne), that the new forme of choosing articles was introduced *anno* 1617, and must goe out with the bishopps againe.

To the Kings second challenge, that when bishopps were abolished, 1587, that evne at that tyme the church had a representative still in the Parliament; and that Parliament eighth, cap. 130, Jacobi VI., declares it treasone to impugne the authority of the three estates, or to innovate the power of all or any of them: To this the Covenanters rejoyne, That this alteratione was accidentall yet inevitable, *vi necessariae consequentiae*, by reasone of the King his Comissioners subscriptione of the Covenante, and the Kings irrevocable declaratione, which can never have affinity with treasone. More of any importance they have not to saye.

To the Kings objectione, that by ther acte rescissorye the third estate is removed, they rejoyne, That it was a repugnance to cast them out of the churche, and lett lawes stand which kept upp bishopps in the state; that

* Ansuer, *pagg.* 76, 77.

state affaires proved but unlucky in church mens hands; and that the church was willing to renounce her right in the state or Parliament.

A. D. 1640.

N. B.

Thes rejoinders of thers gave but little satisfacione to the wyser and mor moderate sorte. For, *First*, It is not made out by them that church men cannot have power in the legislative pairte, according to that maxime of lawe that themselves makee use of, *quod omnes tangit, etc.* *Next*, it was verye disputable, as all men saw, Whither *de facto* all the church men of Scotland at that tyme wer willing to renounce ther interest in Parliaments? *Third*, Suppose they had been illing, Whither they could doe so? since that preiveleidge concerned them, and the church men who wer to be ther successors, so it looked lycke a betraying of ther trust. *Fourth*, Suppose both they and Parliament, both had conspyred so to doe, Whither they and Parliament joyned together could destroye a fundamentall constitutione of the kyngdome, by cutting off an essentiall member of Parliament? *Fifth*, How could the Parliament doe this without the Kings consent, who is *caput Parliamenti*, and has a negative? *Sixth*, Suppose bishoppes ther order was abolished, Did not former practickes of Parliaments give them undeniable instances of such, *qui sederunt pro clero*, as the church representative? *Seventh*, If ther actes wer unfaire without ane acte rescissorye, Were they not as unfaire without the consent of the third estate, settled by a fundamentall law, *viz.* of the church? *Eighth*, What difference was ther betwixt the bishoppes sitting in Parliament and voting, and ther sitting in a church comitte, and controulinge Parliamentary acts by waye of coordinatione? But leaving the opinion of such as compard the Kings objections with ther answers and rejoinders, I proceed to the next objection.

Concerning the acte of oblivione, they rejoyne, That they wold stand constant in the avowing of ther innocencye, and by such ane acte give ther adversaries no grounde to dispute against them as rebels from ther owne concessions. They tell us, it is a peace making and accomodating of affairs, which differs much from ane acte of remission: But they speake not with whom the peace is made, and the difference is left unclear; and the Kings instance of a desyre in the lycke case, in the acte of oblivione, anno 1563, they have forgottne to answer, else they know not how to doe so.

Concerning the acte of releefe, and ther five demaundes, against whiche yow heard of the Kings objections befor, they referr us backe agane to the comissioners papers, give in to the King at Londone; whither I referr yow lyckwayes.

A. D. 1640. The King objectes ther keeping upp of ther Tables: This they doe not ansuer at all, except that the Parliament had sett downe the Tables agane to waite for ther comissioners ansuer from the King, and to correspond with them ther.

The Kings answer to the second objection, *viz.*: “That they assume that libertie, by allowance of the Covenante, and the Kings commanding Hamiltowne and his subjects to subscribe it:” *First*, He answers that ther band in ther Covenant, and the band in the Covenant subscribed by his fathers warrant, 1580, differ much: For it obleidgeth the subscribers for to defende one another, as they should be commanded by the King, or any authorised by him: as for ther new bande, he telleth us, it was made without his consente, and by it they sweare mutwally to defende one another, not excepting the King: This (he sayes) is a meer cunning combyning against the King. *Second*, That, albeit they confessed the Kings Covenant and thers to be all one, yet they refoosed, and wold lett none subscribe it, in the sence that Hamiltowne did putt upon it: wherby, he sayes, they did shew that it was not religione that they sought to secure, as they pretended; but to keepe his subjectes in such conditione as they might alwayes be tyed, and conceive themselves obleidged by oathe to tacke armes against him, the King, when ever they founde fitte tyme for a totall rebellione; which they never left endeavouring till they brought it to passe: So that he concludes that, by his approbatione or Hamiltons subscription of the old Covenante, they can never have solide foundatione to justifie ther new proceedings; and that it will hardly appeare that ever any Covenant was made in the Christian world (except in cases of rebellion and treason) wher the heade is left out, or hath not a negative voice.

The Covenanters replye to all this is, That the Generall Assemblye declared the sence of the Covenant repugnant to Episcopacye; and for the rest, they referr us to ther papers and printes upon that subjecte sett out befor. As for the last pairt of the objection of Covenants made in Christian kyngdomes, wher the heade is left out, I doe not know what paper of thers they referr us too for satisfactione, though I have carefully perused all ther former papers.

To the next objection, *viz.* that Traquaire, his next comissioner, had subscribed the Covenant by the Kings warrant, he answers, that by ther onne petitione to him they declare that, “following the laudable example of ther predecessors, they doe humbly supplicate for the same, and that they

may be allowed and warranted to subscribe it:" whence the King concludes, That what they did befor, and of themselves without warrant and authoritye, was neither laudable nor warrantable; secondly, That by what is prefixed to Traquairs subscriptione, it appeares that he subscribed it as it is one with that of 1580: all which, he sayes, will never inferr the least shaddow of reasone for treasonable combinations against the King, or tacking upp armes against him and his authoritye, or denyinge of his negative voice.

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They reply to this, That the wordes of ther supplicatione followng are omitted, which chaunge the sence, *viz.*: "That the Covenant which they had subscribed as a testimony of ther fidelitie to God, and loyaltie to ther King, may be subscribed by all his Majestyes subjectes;" and the omission of theses wordes they call a grosse cossenage, and wrong done to the Kings honor, and peace of kyngdoms, in a matter of so high concernement as is the Covenant. *Second*, That Traquair subscribed, with the Assemblies explanatione, in presence of the lords of articles, September sixth, 1639; that he never objected any ground of scruple for a combination against the King upon that accompt. *Third*, That the difference betuixt the two Covenants is illustrated by a simlie in ther protestatione, September twenty-second, 1638. *Fourth*, They refer the reader to the supplicatione of the Generall Assemblie at Edinburgh, 1639, which was pourposely drawne up to give satisfacione to that objectione of a combinatione.

Yet that declaratory supplicatione has not tackue away this scruple from many (whatever it did from Traquaire at that tyme): for therin they swear, in the first place, mutwall concurrence for the cause of religion, *etc.*; and, in the second place, but also they will concurre with ther freends and followers as they shall be requyred by his Majestye, or any in his name, in evry cause that may concerne the Kings honor, according to the lawes of the kyngdome, and duties of good subjects.* And this they confesse, thes who compared theses clauses together, founde the one pairt destructive to the other; and withall, that ther concurrence with the King has such limitations as wold neede a judge to cleere them: And who shall tell when the Kings honour is concerned? We are to seeke for that, Whither the King or themselves should be judges in theses cases of asisting the King with ther armes.

To ther third defence, that theses proposalls wer but matters *in fieri*, and

* Covenanters Answer, pag. 80.

A. D. 1640. not actually concluded, the King answers, That Lowdon pressed him to warrant the Parliament to proceede and determine all thes articles proposed: However, it be the pairt of good subjectes to be wary how they come neere the suspitione of treasons and rebellions, much mor how they make demaundes that carrye with them mor than a suspitione of rebellious and treasonable intentions, as thes above mentioned most manifestly doe.

The Covenanters reply, That ther answer of matters *in fieri* is so pregnant that it cannot be replied unto. Then they tell us that ther adversaries wold have them follow the Jesuites rules, *viz.* To take heade that they presse nor inculcat too muche the grace of God; so they, being expelled the territory of Venice: Another rule, to believe the hierarchicall church, though it tell us that it is blacke, which the eye judgeth whyte: And Loyolas third rule of blynde obedience; which they say they have no mynde too: They desyre to know what treasons they committed in the Assembly (which the Kings Declaration chargeth them with, *pag.* 52). They tell us that usurping prelatts myters, may be throwne to the ground by nationall councells, without the smallest twoche of the crowne and scepter of imperiall majesty; and that to overturne prelaeye, they doe adjudge it no treason against the King.

Now we are at last come to the last pairt of the Kings Declaration, wherein, *first*, he complains,* That without any authoritye or comission from him, they had taken upon them to levy and raise forces in diverse pairts of Scotland, which they had continually trained and exercised, and have assigned them a rendezvous, and a daye to be in readinesse to marche.

Secondly, That they had made provisione of great quantites of artillerye, munitione, and armes from forreigne pairtes, which they have readye in magazin to make use of against him ther Sovereigne.

Thirdly, That they had laid taxes and impositions of ten merkes upon evrye hundereth upon all and evry the Kings free subjectes, according to ther severall revenues, to be levyd of ther estates, for maintenance of ther rebellions; and that they did it with great rigour and tyranny, however they pretended it to be voluntarie.

To this the Covenanters answer,† That they confesse ther provisione of

* Kings Declaration, 1640, *pag.* 52, *et seqq.*

† Covenanters Answer to the Kings Declaration, *pag.* 83, *c seqq.*

men and money; and they say it is lafull for them, who are the estates of a free kyngdome, so for to doe, both by the law of God and nature, actes of Parliament, the practise of other reformed churches, the testimony of divynes, by assistance contributed by our princes, to other kirkes and states invaded and distressed; and by the judgment of many among themselves, who in the beginning of the troubles, and befor the late pacificatione, had ther owne scruples about this, and that now, considering what was done in England for advancement of poperye, and what was done at home against the pacificatione, they rest perfectly satisfied. As for ther taxes, they tell us, that if the warre was lafull, so wer the taxes; that Scotland had no treasures, nor will trust unto them although they had such; for they esteeme not money the sinnewes of warre, but a good cause, good conscience, stoute souldiours fearing God, who cannot be founde out by any gold, but will be able to fynde out gold. As for the taxtes, all the subjects contribute most willingly except some few, who except not against the thing itselfe, but against the proportion, yet it was lesse qwarrelled then ever any ordinary taxatione.

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N. B.

Such as readd this ansuer, however they knew little for the most part what to saye to the lafullnesse of defensive armes against a monarche, yet the most pairt knew weall that what is affirmed heer in the last place, “concerning the willingnesse of people to contribute, *etcet.*,” was a notable untruth, evry way false; for many grudged as much at the taxt itself as its proportion; yet such as refoosed wer compelled, and none durst complaine; and though they wold, they had none to complaine too but to such as either could not helpe them, or to thiose who wer ther oppressors.

The King objecteth, *Fourthly*, That they had published in print and wrytte, sundry false and seditious pamphletts concerning his proceedings; specially one (wherof I gave you an accompt alreadye), intituled “Ane Informations from the Estates of the Kyngdome of Scotland to the Kyngdome of England,” which the lords of the counsell of England had requested might be burnt by the hand of the hangman; as it was used.

The Covenanters ansuer, That the prelatts and ther partisans wrytings are full of railings and slanders against them, for to incense the King; further, ther was much wryttne for the unlafullnesse of defence, but nothing against the unlafullnesse of invasion; that it was easye for to ansuer papers with fyre and faggutt; yet ther papers wer full of respect to the King and English natione, and contained such trutthes as wold ryse purer

A. D. 1640. and clearer out of ashes; that they expected that ane informatione, comming from a whole kyngdome, should have mett with better entertainment from the counsell of England; yet they hoped it will fynde better entertainment with ther friends.

The Kings next challenges are, Ther refusall of materialls to generall Ruthven to reedifie the castell wall; ther committing outrages upon the persons of some of that garrisone who came out of the castell to buy victwalls; ther blocking upp the castell; and ther fortifyinge sundrye other places of Scotland, particularly Inshgarvy, and placing ordinance therupon.

They answer, That all this was done after threatning and violence offered them from the castell; that ther blocking was defensive; and that it was a wonder that they had done so little; that they had supererogate in ther obedience, putting weapons in ther enemyes handes.

To the Kings objectione of imprisoning Sontheske and som others, they ansuer, That no other of qualitee, except Sir Lewis Steward, was imprisoned; this they reffer to ther owne letters that they sent to the King. They say it was ane harmelesse accident, and that ther noblmens carriadge in it deserved thankes; and, finally, that they will have none to suppose that they doe all that they are able to doe, or that what they doe for good is done for evill.

The King objectes, That the towne of Edinburgh, to elide ther obedience to his commandes, did delyver the government of ther towne into the handes of the comittye of ther pretended Tables; therby disenabling themselves to serve him, and devolving ther power, which they holde from him, into any other hand; which cannot be done without treason.

This objectione they deny altogether, although all knew that materially it was a truth; for the counsell of Edinburgh and that comittye were by this tyme become a *juncto*, wherein the comittye had the casting or leading vote, nothing of consequence, in obedience to the Kinges command, done by the Edinburghians, but with advyce and consent of the comittye.

The King objectes, *tenthly*, Ther letter drawne upp to have been sent to the King of Fraunce (wherof I gave the reader an accompt befor). In this he chargeth them with malignitye to ther naturall King, they being rather willing to prostitute themselves to a forraigne government, and one of a different religion, then to conforme to ther owne Prince. *Secondly*, He shewes that the drawing in of the Frenshes is of a dangerouse conse-

quence to England; All this, he sayes, is settling intelligence with forraigners, and to practise in bringing of forraigners; yet that they call ther actings relligione and lawes. A. D. 1640.

For thes causes, the King declares he is necessitated to tacke up armes, yet so as he will not hinder the Scottish from enjoying relligione and libertye, acording to the ecclesiasticall and civill lawes of Scottlande, acording to his promise, at the pacificatione: And if they will yet crave pardone for what is past, he is willing to desiste; but if they doe persiste in trampling his crowne and authoritye under ther feete, and endeavouring to subverte law and relligione, under colour of enjoyment of ther libertyes, as hitherto they have done in ther Assembly and Parliamente, then he holds himself obleidged to macke use of his coercive power. Yet he attestes God, that it is with sorrow and reluctaney; and he is confident that God will not suffer his glory long to be despysed, in his persone, by grosse hypocrysy, under the counterfitt habite of relligione; but will aryse, and scatter Gods and the Kings enemyes. And for the English natione, he is confident they will be so farr from suffering themselves to be debanched by the Scottish example, that theye will be asisting to him, by the example of the councell; and that, since they are neerer the daunger, they will not be behynde with the Irishes, who in ther parliament have graunted him a cheerfull supplye, which they desyre may be published in printe, as a testimoney of ther loyaltye. *Finally*, He assures the Englishes, in the worde of a Princee, that he will tacke as much care for ther preservatione as for his owne, and all, that as it becomes a father of the country to doe, *etcet.*⁽¹⁾

To that letter (which jeeringly the Covenanters call *fluctus decumanus*) they replye, That to seeke for asistaunce, being invaded, is not to call in forreigners; that ther is ane other way of helpe then ever to send armyes; that seeking freends mediatione is not to acknowledge them subjectes; that they love not to raise upp divisione twixt them and England so weall as to call in forraigners; that informations sent over sea, to the praejudice of ther cause, made them wryte to the Frensh Kinge; they doe referr to Lowdone, in prisone, to lett the instructions be seene, what assistaunce they meant; that aide givne by one natione to another (though it wer so), implies not subjectione; that the letter was but ane embryo, and never

(1) [His Majesties Declaration, 1640, pp. 60—63.]

A. D. 1640.

sent, as not rightly drawne upp; that it wanted a date; that its superscriptione, *Au Roy*, was putt on by ane other hande (for the King objectes the indorsing of the letter, as implying subjectione to the King of Fraunce, to whom subjectes only wrytte after this forme); that they loved not to harpe upon old or new letters sent evne to the pope himselfe, (they meand forsoothe by the King, at his being in Spaine;⁽¹⁾ nor needed they, for it is oftne canvassed, and nothing can bee made of it; or it may be King James letter, for which Balmerinos father was made prisoner, which Balmerino confessed surreptitiousse⁽²⁾): Furder, that Lowdons putting his hande to it at that tyme was not his personal deede; and suppose it wer, being now clothed by a publick commissione, he ought not to suffer upon that accompt, being comissioner for a state, (forsoothe) contrare to the law of nations to wrong legatts or accuse them during ther legatione; that our municipall lawes made him ansuerable in Scotland, not in Englande; that it was contrarye to the King his comissione and conducte; that the breach of the law of nations did bring with it horrible calamities.

This ansuer did not satisfie such as could state the questione arycht; for Lowdon was gone upon a comissione from subjects to ther Prince, not from an aeqwal to ane aeqwall; nor is ther any law instanced wherby a subject cannot be attached at his Princes courte, if ther be any treasonable practise to be laide against him; and for the King his concessione of permitting comissioners to come to Londone, it is verye short, and containes no protectione from accusations, or tryall upon treasone. As for the letter, it is not denyed: but how much it imported was then a mysterye since discovered.

Then they procede to ther conclusion, and tell us againe how muche they trusted the King, and took verball promises at the pacificatione; that they had since, to shew obedience, past from ther advauntages; and though thes thinges wer turnd against them, yet they are called breackers of the peace. Therafter they recapitulate shortly all done by them since the pacificatione, and shew that they have observed evry article, and have acted legally bothe in Assembly and Parliament, and had borne patientlye besyde, withe the repelling of ther comissioners and prorogating the Parliament.

Finally, Having justifyd all ther owne actings, they fall to complaine

(1) [See it printed "from the original draught" in Hardwicke's State Papers, vol. i., pp. 452, 453. Lond. 1778.]

(2) [See Archbishop Spottiswoode, pp. 456, 507, 508; Calderwood, pp. 426—428, 604, 605.]

upon the King, *First*, For burning his owne verball interpretatione of his declaratione at the campe, though they protested that his declaratione wold not serve without his owne benigne interpretatione.

Second, That he made new fortifications ; garrisond Bervicke and Carlisle ; did not dismisse officiers brought from beyond sea.

Third, Castells of Edinburgh and Dumbarton garrisond and fortifyd ; porte of Leth graunted to be disposed upon by Edinburgh, then contermaunded to qwarell.

Fourth, Suspitions fomented in good subjectes heartes by frequent meeting with the prelatts, and then calling fourteen of the pryme of ther number to Bervick.

Fifth, An oathe pressed in England and Ireland upon Scottish men, contrarye to the Covenante.

Sixth, Some wordes of the Kings declaratione, delet at the campe by him, printed at Parise, and tackne in againe in his last Declaratione.

Seventh, The bishoppes, though excommunicated, summoned to be members of the Assemblye.

Eighth, The Kings Great Manifesto not calld in, nor the author punishd ; yet ther Manifesto burnt by the hangman.

Ninth, Sessione commanded to sitte when the leidges could not attende it.

Tenth, The Assembly, wher the Comissioner was present, accused for rebellione and treasone.

Eleventh, Comissioner publisheth a declaratione, after the Assembly, praejudiciall and destructive to the actes therof.

Twelfth, Comissioner refoosed to ratifie the actes of the Assembly, specially that of August seventeenth, without a limitatione destructive to the Assemblyes actes.

Thirteenth, Refusall to restore to the Kirke power to plant kirkes that belonged to the bishopps, or to graunt comissions to plante kirkes.

Fourteenth, Registers of Parliament refoosed to be delyvered to them for clearing doubts.

Fifteenth, Comissioners usurped in choosing the lordes of the articles.

Sixteenth, Acte of oblivione refoosed, except it be made ane acte of pardone.

Seventeenth, Acte of releefe refoosed, and matter of coyne disordered.

Eighteenth, Parliament prorogate against lawe, practise, and the treatye.

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Nineteenth, Divisione sought to be raised in the tyme of the Parliament, shamefull and unnaturall, by confessione of some of the conspiratours.

Twentieth, First two comissioners gott no presence of the Kinge.

Twenty-first, Parliament comitte qwareld, and ane English comittye sittes and judges of ther Parliament.

Twenty-second, Ther ansuer calld impertinent, but no impertuencye instaunced.

Twenty-third, Covenant, subscrybed by the Comissioner, disallowd; and that which was dissallowd (*viz.* Kings Covenant), esteemed.

Twenty-fourth, Comissioners pressed to give ther judgement in some particulars, other wayes not to be hearde.*

Twenty-fifth, Councillours discharged of ther places, no cause told whye.

Twenty-sixth, Proclamatione to discharge Argylles hereditarie justifiarye, and for to disowne ther comittye.

Twenty-seventh, Edinburgh commanded to receave a garrisone, and give them materialls for Edinburghs destructione.

Twenty-eighth, Edinburgh castell doing great violence to buildings, women, and childeren, for many dayes past, yet unprovoucked by the towne.

Twenty-ninth, Northumberland getts a terrible comissione to destroy them befor ther commissioners wer hearde.

Thirtieth, Preparations by sea and launde against them, yet ther fault not told.

Thirty-first, Ther shippis and goods tackne, the owners stripped naked, and they referred by the governor of Bervicke to the counsell of Englande for satisfacione.

Thirty-second, Letters commanding eight noblmen of ther number to repaire to courte, probably to be imprisond.

Thirty-third, Ther comissioners restrained, Lowdon imprisond, against all aequitye, law, and conscience.

Thirty-fourth, All thinges devysd and done that can make a rupture and irreconciliable warre betuixt King and subjectes.

Thirty-fyffth, Scotland disgraced by bookes, paskquills, maskes; ther cursed prelatts, honored; and deposed ministers, advaunced.

Thirty-sixth, No ansuer givne to ther comissioners, but a print Declaration sett out denouncing a warre and armyes coming.

* *Vide supra.*

Thirty-seventh, Parliament of England sees no cause of warre against, and does refoose to contribute money against them, therfor it is brockne upp; yet the expeditione ceaseth not. A. D. 1640.

For a conclusion, they tell us, That the Kings promise in his declaration, for to graunte them ther religion and libertyes, is a meere fallacye; since the King thinkes that the Service Booke, Canons, and Episcopacye, are nothing against religion, and therfor would graunte us a religion that tacketh all within compasse of it; in which sence they tell us that Lutherans, Arminians, Papistes, wer they above them, wold graunte them ther religion: Furder, that this deceptione cannot be cleared till Assembly and Parliament determine what is ther religion, and lawes, and libertyes; and that this was refoosed, and they forced to runne the rownde and ende as they beganne: That counsell was givne to his Majesty to alaram them upon ther borders, keepe them in continwall vexatione till they be impoverishd and wearyed, and then he wold obtaine his endes of them; which was for to turne the worke into Penelopes webb, to doe and undoe: Furder, they affirme that corrupt Parliaments have been the occasione of corrupting and thralling of the kirke; that since they acte legally, and seeke but to have ther Assembly confirmed, that can be no true cause of the warre: therfor, they affirme that the fyre ryseth from the incendiaries who kindled the fyre, and cannot gett ther nestes built againe; and next, from such as feare that they cannot escape deserved censure: That when the King and his attendants came last yere to ther border, they saw what a Babel the children of men wer building, and they saw the peoples affliction, by ther taske maisters; and wold the King now peruse ther papers, they doubte not but they wold be justifiyd, and that the light of his justice to them is eclipsed by evill ministers: That if his justice turne to a storme of unnecessary warre, they resolve to endure it; that if English and Irish come against them, they shall not neede for to compell them to obey decrees of Assemblies and Parliaments; which are the judicatories to which the King remitts them: They appeale to that lawe of nature, *quod tibi fieri non vis, etc.*: They shew, furder, that wisdom wold direct, without woronging piety or justice, first to searche the fountaine of ther troubles at home, and to tacke away the wicked from the King, that his throne may be established, that thereafter they might all joyne as one man to destroy pope, and King of Spaine, who in ther desyres long since have destroyed them, and doe invade or undermyne them, as opportunitie serveth:

N. B.

A. D. 1640. That this wold be a tryall both of others and them, whither they be dissatisfied or not to the King his service; that this wold macke the kyngdome gloriouse, and the kyugdome and both of them recover the glory that any of them have lost; this wold macke the Lord saye, Dropp downe ye heavens from above, and lett the skeys power downe righteousnesse, *etc.*

So now, at last, we are at ane ende both of the Kings Declaratione, 1640, and of the Covenanters Answer therunto; both which beganne at the pacificatione, and ende with the denunciatione of a new warre. I have sett them together by parcells, they being both historicall, and the threede of the discourse requyryng this methode. The conclusion of bothe extends some what beyond the actions related already, and doe imply some things yet to be spokne of, such as the English Parliament, wherof mor anone; but the order of the relatione requyred it, that both the reader and I might be ridde, at last, of so longsome a contradictione. Lett the readers peruse both, and give ther judgement. It will not be denyed but that this pacificatione, at first, was drivne on by a necessitye which compelld both sydes for to huddle upp a peace, to the disadvauntage of either; and that it was *pax infida*, closed with distrust upon both sydes, and to the full satisfacione of neither. This quickly begatt jealousyes and misinterpretations of actiones upon all handes; which begatt ane acqwall disposition in bothe for to playe ther latter game mor warylye to the advauntage of ther pairtye: The King endeavouring to recover or keep that which was his just prerogative, or devolved into his handes either by prescriptione or consent, explicite or tacite: And the Covenanters, upon the other pairt, having once begunne to shackle ther yocke off, fynding no securitye for ther actions, but by leaving the King nothing but ane emptye name and title, disenabling him for to qwarell with them, whilst at ther pleasure they fell to macke and unmacke lawes; and having constitute themselves the only members in Parliaments and Assemblyes, and having dispoyle the King of his negative voice, they became judge and pairtye in ther owne cause, and carvers to themselves of ther owne libertyes and preiveledges, when Royalty and the Kings praerogative, after many vaine strugglings and qwalmes, being betrayd or abandoned, or deadly wounded, fell downe deade (not long after), at the feete of the Solemne Leagwe and Covenant. But I returne againe to the threed of our discourse.

XCIV. Apryle thirteenth, The Parliament of England sate downe aording to the King's indictione therof. Ther did the Earle of Strafford

English Parliament sits

appeare in the upper house, and gave them an account of the Irish contri-
butione for to stirre upp England to doe the lycke.

It was heer that the King did represent the Scottish letter to the King
of Fraunce (having befor imprisoned Lowdon* upon a private informatione
that the letter was his hande wryte), and withall he did represent shortly
after to the lower house, by his message, such injuryes and indignities as
the Scottes had treated him with; and withall declared that if they wold
give him supplye in that exigence, he wold for ever qwyte his claime of
shippmoneye, and to boote, he wold satisfie all ther just demaundes.

Meane whyle ther was a reporte made to the lordes by the lorde Cotting-
towne, and secretarye Wyndybancke, and the attorney generalle (who wer
sent by the King to the Lord Lowdone to examine him concerning the
letter befor mentioned), That Lowdone did acknowledge the hand wrytting
to be his, but that it was framed befor the pacificatione and never sent, and
upon that pacificatione qwytt laid by. Yet the Parliament thought fitt that
Lowdon should remaine prisoner till clearer evidence wer givee either for
him or against him.⁽¹⁾

The King gott no other answer to his demaunde of supply from the lower
house, but that, *First*, They expected securitee for clearing the subjects pro-
pertye. *Second*, For establishing of religion. *Third*, For the preve-
lidges of Parliament. Much tyme was spent debating betuixt lords and
commons, Whither King or people should be first satisfed? The lords voted
for the King, and the commons for the people. Some saye⁽²⁾ that secretair
Vane knavishlye did foster the divisione tuixt King and house of commons;
for when he should have sought by the Kings warrant but six subsidyes, or
three hundred thousand pounds sterling, he sought twell subsidyes. This
propositione did enrage the house of commons extremly, who alreadye wer

A. D. 1640.

down. The King gives them a representation of the Scots affairs; upon a disagreement dissolves the Parliament.

Apryle 13.

* *Nota Bene*. In the tyme that Lowdone was prisoner in the Tower, there was an expresse warrant sent, under the privy seale, to Sir William Balfour, keeper thereof, ordering him upon sight thereof to beheade Lowdon instantly: This order he communicate to Lowdone, who advysed him to enqwyre at the King if fraude wer not in it. Sir William Balfour came to the Kings bedd syde and produced the warrant that very night, comming upp the river in a pair of oares to Whytehall. The King startled, and swore that he knew not of it, but he thought it the devyce of that cheatt, Nedd Hyde; and therupon ordered Sir William Balfour presently to dismiss Lowthion home unto Scotland, which he did, *etc.*, and freed Lowdon from the terror that he was in all that whyle after he saw the warrant. [See Scot of Scotstarvet's *Staggering State of Scots Statesmen*, pp. 23, 24, Edinb. 1754; Burnet's *Memoires of the Hamiltons*, p. 161; Laing's *Hist. of Scot.*, vol. iii., p. 189, Lond. 1819, and the authorities there cited.]

(1) [See Whitelocke's *Memorials*, p. 33.]

(2) [*Id.* p. 34.]

A. D. 1640. fallne in ane mislycke of the King, and underhand for the most parte wished all prosperitie and good lucke unto the Covenanters. The King being advertished that ther was little good to be expected from the house of commons, by advyse of his secrett counsell, dissolved the Parliament, May fifth, May 5. 1640. The dissolutione therof many wer offended att, and Canterbury bore the blame, as the man who had advised the King to doe so; and it was thought that the dissolutione therof at this tyme was contrare to reasone of state.

Covenanters resolve to call a Convention of Estates.

Their Remonstrance to the Parliament of England; Mr. Robert Bailey's book; these two generally favoured in England. Supposed that, if the English Parliament had not been dissolved, it would have mediated between the King and the Scots. English Convocation continue sitting; ordain an oath in favour of the bishops; objected to, particularly the "etc."; assess themselves. The riot of the apprentices.

XCV. The Covenanters, who knew that the Parliament of England was to meete, resolve, in ther comitty, to call a Conventione of Estates (so did themselves tearme it), for the tyme of the Parliament was not yet come; and in this conventione they wer to consult and laye downe wayes for levyng a new army in oppositione to the Kings preparations, as also for keepinge downe the royalists at home, or suppressing them, who then wer called anti-Covenanters; for so wer all termed who owned the King. Another ende of ther meeting was for countenancing a declaratione, drawne upp about that tyme, for to be sent unto the Parliament of England, as, indeed, it was directed unto them, under the title of "A Remonstrance concerning the last Troubles, directed from the Conventione of the Estates of the Kyngdome of Scotland, the sixteenth of Apryle, 1640, to the Parliament of England."* The contents therof wer much to the following pourpose; for I will spare to sett it down *verbatim*, it being extremely prolix, lycke the rest of the Covenanters papers, eneuoh to tyre the patience of a plodding reader, and overburthen the memorye; besyde that in many things it is coincident either with ther former papers or our forgoing narratione.

First, They shew how much the unione betuixt the two kyngdoms was (but in vaine) sought for in former tymes; and what great blessing the two nations reape by it now, as being under one heade, one religion, to ther great happiness and peace, as it beganne peacably, whilst all Europe is but a feeld of bloode; that ther enemyes and neighbour kyngdomes had still envyed it; that thes nations had neither been thankfull for it, nor had sought to improve that blessing lithertoo; nor other reformed churches, groaning under the crosse, had not gottne such benefitt by it as they might expecte, but rather hurt from them. As for the two nationes, they saye, that ther is a spiritt of divisione entred betuixt them, by some who stryve to divyde King and people, and to sett the subjectes by the eares together, that so they may the mor

* Spang, *Historia Motuum*, pag. 466.

securely destroy all; that amongst thes the cheefe are some politicall churchmen, who have turnd the tenents of religion into slavery to the subjectes, tyranny to the King, and libertinisme to themselves; that the house of commons in England had already, in former yeares, remonstrate against such with no successe; that, by Englands example, Scotland had reasone to be jealous of them, specially since they had been obtruding upon Scotland a Service Booke, *etc.*, which shewed how weall they did deserve of the church and court of Rome; that it was ther endeavour that the kirke of Scotland, who had runne off farrest from Rome, should first returne backe to be an example to others; that now, if they can involve both kyngdomes, in a warre, it will both be advantagious to Rome, and secure themselves from punishment, and be some satisfacione to them, and a revenge upon the Scottish, who hitherto have opposed ther plotts: That it will hardly be credidet afterwards that the Scottish have so longe begged ther native Prince to heare them, and lett them enjoye ther oune laws and liberties, *etc.*, yet cannot obtaine it; that the posterity will farr lesse judge how one prelatt (Canterbury they meane) should prevaile so farr with the King as to dissuade him from hearing a whole natione, who have maintained the royall familie so long in one lyne beyond all Europe: That, when lately, ther enemyes had stopped the Kings eares against them, and had done ther outermost to keepe England ignorante of the controversye, and had made the King come against the Scottish with ane armye, yet had they shunned a nationall warre against England: and when unusuall proclamaciones wer putt out against them by the King, yet they had still prayed for him, and had chosne rather to expose ther oune kyngdome to ruine then for to offer any violence or the least hurt to the kyngdome of Englande: That it was straunge how the English should be ther enemyes for standing to thes preiveledges, which have nothing to doe with Englande; but they saye it is Gods worke that ther enemyes actions have proved meanes to undeceive all men, and lett them know whom God has used as instruments: That in the former pacificatione, they had strivne to satisfee the King, to ther oune hurt, and had delyvered his castells, which they might have kept as pledges of the peace; that albeit promise be now brockne to them, they confesse ingenously, that then they wer not circumvencd by deceit; nor repented they ther trust in the Kings worde: for they knew it became them not to stande upon poyntes with ther King, who, if he wold reseed, would not wante pretext enoughe so to doe. Therfor they had left the evente to God. That what-

A. D. 1640. ever they had yeelded to the King, or he graunted to them, was upon another accompt then they expected; that from what was past, it was cleer that ther enemyes never intended peace; that they had made the pacificatione ane engyne to undermyne them, disbanding ther armyes seemingly, yet laying of garrisons on ther fronteers and garrisoning the countrey holds, contrare to conditione; they had called for the cheefe of them to come to Bervicke to seize upon them; then they laboured to surpyse some of the nobilitye; that this plott was revealed; they had permitted church matters to be determind in a synode, and promised to confirm all in Parliament; yet the first promise was enervate by declarations and limitations, and the last refoosed: That the Parliament was prorogued without ther consente, ther comissioners sent backe from London, without hearinge of ther supplicatione, by the meanes of the deputy of Ireland and archbishop of Canterbury, who are the heade of the papiste factione, and, under pretext of vindicating the Kings honor, are destroying the reformed religion and liberty of the subjectes. That if the graunting of ane Assembly (lycke that of Trent) prove the advancement of ther designe, it may be thought that they have spedde weall in ther wicked designe. That it was straunge a Parliament is denyed to them who seeke it, and obtruded upon Ireland who care not for it; that comissions wer givne out to destroy them for seeking a Parliament, *etc.*, and the ratificatione of the treatye; that all meanes wer essayed for to provoucke them to breacke the peace, and now at last ane army levying against them: Therfor,

That they, the Conventione of the States of Scotland, cannot but lett the Parliament of England know that all thes mischeefes are hatched in the CONCLAVE OF ROME and in SPAIN, and heer agented by unnaturall countrey men; who, how soone they acknowledge the ROMAN CHURCH for ther MOTHER, doe as soone owne the KING OF SPAIN for ther FATHER, and disclaim ther owne King as an USURFER, an UNJUST POSSESSOR, and ane HERETICKE: So that now ther will be no mor neede of a SPANISH ARMADO, as in 1588, nor of a FOULDER PLOTT, but for to raise civill ware at home, which they are lycke to doe, and which is very evill, cannot be extinguished without the hurt of the victor or conqueror. That albeit ther enemyes have called that Parliament for to foment the divisione, yet they hope all good men will be satisfied that the Scottish declare that they are willing to preserve union with them, and, as farr as lyes in ther power, defende the preveileidges of bothe nations against all enemyes; that they are

all in one shippe, and glade to see the English Parliament at the helme in this storme: They exhorte them to preserve the pretious ware of religion and libertye, and to macke the greate pilott forseene of the clowdes that are gathering a farr off, and beseech him not to lett thes rule the shipp who will be sure, for ther oune endes, to splitt her upon a rocke. That they must tell them, as long as ther enemyes steer the rudder, it will not be Parliaments, not Assemblyes, nor such rottne cables, that will secure ther peace, or freedome. Yet, though they will not heare their warning, for all that, they will not be wanting to them when ther turne comes in England.

Then they crave licence to lett England know the fountaine of all ther evils, which wer, The suppressione of ther Parliaments of England, by the undernyning enemyes of both nations; in place wherof a privy counceill abownding with flattery, malice, and envye, was crept in and ruled all; that by them the King was unfortunate, and Parliaments still raised, while they are disputing about the methode of cure of the politicall bodye, whose diseases by this meanes are encreased: That thes enemyes of thers taught the King that he has ane arbitrarye power, that peoples freedomes are the gratuitye of Princes, that Princes may call and raise Parliaments at ther pleasure; thus macking the Kings power, which should be lycke a sunne beame, to be turned into a comete: That the Kings prerogative had not loosed so much of its lustre if some church men had not skrewed it up too highe of the late, and declared all Kings arbitrarye, that so under them they may compasse the chaunge of religion; that such are perswadinge the King that all who oppose ther designes are not his faithfull subjectes; they will have him to keep his subjects of both nations at discorde till he conquer bothe; or if that cannot bee, he must call in forraigners and use all meanes for to establish his illimited power; nay, and to macke use of papistes, whom they call the Kings faithfull subjectes: others they doe intyce and bynde in goldne chaines; that all thes are numerouse; yet that it is those who are seeking to destroy Scotland, and would ingadge the Parliament of England against them: And that it is for no other ende that the present Parliament of England is convened; that it is the paire of all good men therfor (as it shall be thers), to pray for a happy successe to them; that they hope it will be so, because necessitye has forced ther enemyes to call them; yet whatever suggestions be throwne in for to exasperate them against the Scottish, they hope ther wisdom will discover the falshood of them; and they hope that the Parliament will judge otherwayes of ther actions then ther

A. D. 1640. enemies have done: That ther enemies in vaine doe cover ther pretexs with zeale to the King, for his subjects rwine can not be his good; that chainges has followd upon governments, and misery and ruine upon such actors, who having slaved themselves unto the world, and the politicall actions of princes, have tackne upon them for to rule and change, and profane Gods worshipp: That Canterbury (lycke the papist bishoppes in England), was doing all this that he might command both King and people, and tyranize over both; that ther rage against the Scottish Covenante is not because it diminisheth the Kings power, which is false, but because it is lycke to pull downe the pryde and riches of the prelatts, which they thinke can be no just cause of a nationall warre twixt them and England; that Kings may stirr upp warre by evill counsell, but that civill warres ought to be prevented, as being worst to be cured; that the best remedye presently will be if the King will permitte both Parliaments to name and appoynte delegattes who may tacke inspectione in the whole matter; to which purpose, if the King will disbande his army they are content, lyckewayes for to disband ther armye. If this be not graunted, they will tacke it from God as a just punishment for ther being so slow in curing the growing sicknesse, and for that they have hithertoo fomented the sickly humor.

Then they compare the Parliament to Philotimus, a Greeke phisitian, who saide to a certaine persone (whom he observed to be sicke of a consumptione), who was desyring him to cure his finger, that he had mor need too looke after his whole bodye. So they say that this is the conditione of the English Parliament, who wer lately macking much adoe about tannage and poundage, when as they had mor reasone to questione concerning ther libertyes and propriety of the goods themselves. Therfor they request the English Parliament, befor they pronounce sentence upon other mens libertyes, to be sure that themselves be free men; and that it wold be ther infamy to destroy the liberty of Scottish subjectes, who have heertofoor stode so much upon ther owne; that if they knew that the ryse of all wer from Spaine, they perswade themselves that the English Parliament wold party them; that oppressing the Scottish will not better ther conditione; they desyre them for to looke upon the princes in Fraunce, who wer all bussy to beare downe the Protestants ther, wherby they are laide opne now to garrisons, and too late fynde ther owne error; that ther adversaries wer stryving by might and maine to breacke off all tyes betwixt King and them, and the more they strove to preserve the lawes, which is

the knott of strait oblegatione, ther enemyes strave the mor diligently to breacke them. Therfor they doe beseeche the English Parliament to tacke notice of ther greivaunces, and to perswade the King to keepe off from thes praecipices, which, if he runne upon, will bring misery to King and subjectes; and they doe beseeche them that the Kings ill counsellors escape not unpunished: That it is very straunge that the counsell of England should, upon one mans informatione, have condemned them unheard, and decerned a warre against Scotland, without consent of Parliament; which argued an greate insolencye in ther enemyes, to resolve to ruinate them, without any denunciatione of warre. Then they fall to complaine upon the arrestment of ther comissioners at Londone as illegally done, and that it is long since they heard from them, nor knows not wherin the King is yet unsatisfied, by that restraint of thers: Therafter they shew that the seizing the Earle of Southeske could be no cause for that, and they excuse the arresting of him and others at Edinburgh. Then they complaine upon Lowdous imprisonment in the Tower for wrytting a draught of a letter, *etc.*; yet they hope the Parliament will not startle at that letter. Therafter they object the wordes of the Kings proclamatione at Yorke, Apryle twenty-fifth, 1639,* *viz.*, that he was forced to have recourse to sharper medicins, and to draw his sword, *etcet.*: That it was that declaratione which made them thinke of ther vindicatione to the Frensh Kinge. Therafter they resume all ther excuses of that letter, and sett downe the instructions to have been sent with it for to justifie it though it had been sent. They shew that now they wer preparing themselves for harmlesse defence, and that ther actings wold refoote the calumneyes of ther enemyes, and should shew that they were seeking Englands good as weall as ther owne. Finally, they beseech them with them for to supplicate the King to subject all the controversye and his evill counsellors to the tryall of a free Parliament, which wold tende much to the glorie of God and the Kings honor, *etc.*

At this tyme, lyckewayes, Mr. Robert Bailly, minister at Kilwinning, published a booke of one hundereth and twenty-eight pages, dedicated to the English Parliament, under the title of “*Laudensium Αυτοκατακρισις* :” wherin he proves that the faction whairof William Laude is heade, are guiltie of opne Popery, Arminianisme, and ecclesiasticall and politicke tyrannye. This booke he did not praefixe his name unto.

* *Vide supra*, [vol. ii., p. 248.]

A. D. 1640.

N. B.

The Scottish Remonstrance and Baylyes booke could not be tackne to consideration by the Parliament of England; that was brockne upp; but they wer generally favoured, and gott credite with the most pairt of the members of the house of commons; nor wanted ther in the house of peers who favoured them. The pretextes and demaundes of the Scotts wer thought faire, and ther was somewhat in the Kings Declaratione which the Scottish layd holde upon, to the Kings disadvauntage, which they boldly challengd to be made out. That was the Kings possitive affirming in his Declaratione (as indeed he doeth), that the Generall Assembly at Edinburgh wer guiltye of treasone. For all knew that they wer called by his owne indictione, and sate constantly countenanced (evne to ther voluntaire dissolutione), by Traquair, Comissioner, who, one way or other, had approved all ther actes: nothing but fair weather tuixt him and them all the whyle; no exceptione tackne by him against any of ther actings as treasonable all the whyle: That they, and all who reade his Declaratione, wer to seeke wherin the Generall Assembly haid plaide the traitors, except his Comissioner wer one of that number. Yet him does not the King challenge in that Declaratione, though others at that tyme (as I have alreadye told), did upbraide him to his face, after his retorne to Londone.

Many thought that if that Parliament had sittne still, it was ther intention for to have mediate betuixt the King and the Covenanters; and to have supplicated the King, that having disbanded his armyes, he would have been pleased to treat with them and examine the bussinesse; and so much the rather because they were jealous that if the King praeailed over the Scottish, he would have turned his armes against them for reducing the unruly commons of Englande to ther dutye, or macking them mor plyant to his demands and wille then he had founde them in former Parliaments.

Although the Parliament of England was brockne upp, yet so was not the Convocatione of the church men, which about that tyme was conveyd by Canterburys indictione. I know not whither to call it a Convocatione or a Synode; some calld it a new Synode made of ane old Convocatione; some macke ther Synode and Convocatione identicall. What ther power was, or is, I shall give you in the langage of ane English divyne:* “ In the Church of England (sayes he), ther should be Synods or Convocations,

* Dr. Hylyn's Geography, *edit. ult.* in fol., Description of England, pag. 304.

which are the parliaments of the Clergye, assembled principally for the reforming of the Churche in doctrine and discipline; and, secondarily, for graunting tenths and subsidies to the King; which synods, whether they be nationall, or provincially onely, doe naturally consiste of all the right reverend fathers, the archbishops, bishops, deans, archdeacons, and one prebende out of each Cathedrall, and a certaine number of the Clergye (two for evry diocese), elected by the rest, to serve for them in that great assembly; the Clergye not being bounde anciently by any acte to which they had not givne consent, by thiose ther proxies: Of which so called and mette together; the bishops sitting by themselves make the upper house; the deanes, archdeacons and the rest do constitute the lower house of Convocatione." So farr myne author.

A. D. 1640.

The ends of ther meeting will be best knowne from the result of ther debates.⁽¹⁾

One was, that the Scottish actiones in pulling downe ther bishops had alarund England so farr, as that now mor boldly then in former tymes, the title and *jus divinum* of bishops beganne to be called in questione, and grow the occasion as of too frequent disputes, so of sermons and bookes printed upon that theme. England, for many yeares befor, wanted not a pairty in ther churche who looked with an evill eye upon the episcopall government, and would have gladly been ridde of it. And of thes who stode for Episcopacye ryghtly stated, not a few, both preachers and laikes, distasted the episcopall soleshipp, which looked lyke a little papacye in evry diocese. This controversye awackned the bishops and episcopall divynes for to pleade ther *jus divinum* both from pulpitt and presse; amongst whom Joseph Hall, bishop of Norwich, was one; whose penne, by a namelesse pamphletter, is called prostitute, for having wrytten on peace with Rome, and (as it is ther alledged) at Canterburys desyre, or command, a *palinodia*, under the name of "The Reconciler." And they thought it was tyme to looke to ther oune myters and crosiers, since the Covenant had overthrowne and pulld the myters from the Scottish bishops heades. For bookes, evry body did not, or would not, be at the paines to study; all who reade that controversye understoode not the depth of it: Therfor they resolve in ther Synode to taeke a shorter course, and to counteracte, or rather countersweare, the Scottish Covenante by ane oathe pourposlye framed for upholding Epis-

(1) [A succinet history of the Convocation of 1640, will be found in Nalson's Impart. Collect., vol. i., pp. 351—376; pp. 542—562.]

A. D. 1640. copacye, as the Covenant was formed for its destructione. Ther oath was as followeth :

“ I, A. B., doe sweare, That I doe approve the doctrine and discipline or government established in the Church of Englande, as containing all things necessarye to salvation : And that I will not endeavour, by myselfe or any other, directly or indirectly, to bring in any popish doctrine, contrarye to that which is so established : nor will I ever give my consente to alter the government of this church by Archbishops, Bishoppes, Deanes, and Archdeacones, *et cetera*, as it stands now established, and as by right it ought to stande ; nor yet ever to subjecte it to the usurpations and superstitions of the sea of Rome. And all thes thinges I doe plainly and syncerly acknowledge and sweare, according to the plaine and common sence and understanding of the same wordes, without any equivocacione, or mentall evasione, or secrett reservatione whatsoever. And this I doe heartily, willingly, and truely, upon the faith of a Christiane. So helpe me God in Jesus Christe.”

Several things wer qwarrelled at in the oath, but speciallye the *et cetera* ; which imported mor, possibly, then either the exacters or tackers of that oath could tell ; and, next, it was excepted against that they declared that they swore willingly, though constrained. The stricter sorte of protestants, specially the Scottish presbyterians, questiond much what they called popish doctrine, or what doctrine they understood thereby ; for they supposed the Canterburians (as they termed them) nothing, or very little, different from papistes.

Another acte of that Synode was the condemning the Socinians⁽¹⁾ ther tenets, without declaring what ther tenets wer : by which acte many thought that they tooke ther modell from the Assembly of Glasgow, who condemned the Arminians by vote of ther Assembly, although it was certaine that many ruling elders who voted wer not capable to understand the Arminian doctrine.

Other actes wer past ther, such as the enclosing the Communion Table with railles, *intra cancellos*,⁽²⁾ whence the chancelle wall tooke its denominatione of old : And for bowing towards the east, they left it free, forsooth, to mens arbitrimēt.

(1) [Canon iv. : Against Socinianism. Nalson's Impart. Collect., vol. i., pp. 551, 552.]

(2) [Canon vii. : A Declaration concerning some Rites and Ceremonies. *Id.*, vol. i., pp. 555, 556.]

Ther maine acte was graunting to the King a benevolence⁽¹⁾ of four shillings sterlin the pownde, assest upon all the clergy, for six yeares, towards his expeditione against the Scottish. This was tackne exceptione at by such as faneyd not the King his enterpryse, and by none so much as the discontented members of the late Parliament, who exelaimed against that acte as ane usurpatione upon the Parliamentary preiveleidge : For they did affirme that the churche men could not asseste themselves without the Parliaments confirmatione : This was ther coloure, though it was not hard to perceive that ther greatest reasone to qwarell with the churche men was because the clerge wer mor forward to helpe the King then the laitye.

The English Synode ended May twenty-ninth. As for the oath therin enjoyned, and other actes, as at first they gott not full obedience, so the following chaunges made it all evanische in smoake. So did not the hate that was generally borne to Canterburye, who was supposed to be the cheife perswader of the King to raise the Parliament of England ; which so incensed the multitude against him, that they posted up a paper⁽²⁾ upon the Old Exchange, the ninth of May, exhorting the Prentices to tacke armes and sacke his house at Lambeth, Munday following. And although the arch-bishopp had notice therof, and stood upon his gwarde, yet upon the night appoynted, in the deade of the night, about five hundred prentices trye, but in vaine, for to force his house : And although the next day, upon narrow enqwry, a number of them wer seized upon and comitted to prison, yet ther comerads and partners, in broad day light, breacke opne the prisonnes and enlarged them who wer prisoners : And albeit, May twenty-third, one of ther captaines (who was tackne) was hangd and quarterd, for example, yet that kept them not from after tumults. I taeke notice of this particular, though acted in England, because this was ther first tumult against the bishoppes ; wherein they lyekwayes fell to imitate Scottlande, whose troubles beganne by ane assault of the bishoppes. Scotland only exceeded, because it was on the Lords day, in the churche, against church men officiating : England sett on ther bishoppes in the tyme of a Synode.

XCVI. The clergy wer liberall in ther contributione. Meanes was used for to borrow from others for to helpe the King, but Londone would contribute little or nothing ; only the gentrye wer willing, for the moste pairte, to give contributione for the Kings assistaunce and releefe, and for his assistance

A. D. 1640.

The King his own generalissimo ; Strafford his lieutenant general.

(1) [Nelson's Impart. Collect., vol. i., pp. 533—541.]

(2) [Written, it is believed, by the notorious John Lilburn.]

A. D. 1640. towards the warre; wherby in ende he beganne to forme and rendevouse ane
 The King armye, wherof Northumberland was appoynted generall, but he fell sicke,
 joins his army. and so was freed of that charge: Wherupon the King appoynted Strafford
 to be lieutenant generall, and himself undertooke the cheife command as
 generalissimo; but did not come to the armye himselfe till after the Qweens
 being delyvered of her some Henrye, Ducke of Glocester, whom she
 brought forth July eighth, 1640; so that it was August twentieth befor the
 King came in persone towards the northe.

Scots Cove-
 nanters levie
 war; corres-
 pond with a
 party in Eng-
 land.

XCVII. Not longe after the rysing of the Parliament, the Scottish com-
 missioners, and Lowdone* lyckewayes, wer all released and sent home unto
 Scotland. We must now travell thither with them; wher the Covenanters
 wer as bussy levying as the King was. Nor was Canterburys factione in
 England mor invective in the pulpitt against the Scottish Covenanters,
 then the Scottish Presbyteriane ministers wer in ther pulpitts against
 King, court, and Canterburye: They cryed out that the King was ledd and
 gwyded by papistes, that the bishops of England wer for popery, and
 the court corrupt; finally, that all was amisse that made not ther way.

They had prospered so weall the last year at the pacificacione, wher they
 founde England not only averse from warre for the most paighte, but lycke-
 wayes a discontented commonalitye ther who wished them weall, which dis-
 contents wer heightned by the breacking upp of the Parliament, and, fur-
 der, they had crosse correspondence and encouragements from ther pairty
 in Englande, that they wer little terrifyed with the Kings preparations. For
 now they had laide opne ane *arcanum imperij* that the consequence of ther
 tacking up armes against the King had discovered, that the name of Ma-
 jestye was the only crubb which during the reigne of King Charles had kept
 in the subjecte, and Scottlands being awed by England, as England was by
 Scotland: Which feare was removed upon both handes; they wer now com-
 ming not only to understand one ane other, but lyckewayes to communicat
 ther counceills together; so that Majesty was now looked upon as a bugge
 beare, and they saw that the King had little mor left but his name for to
 hemme them in, or to reduce them to ther former obedience. Therfor they

* *Nota.* Lowdon was prisoner at the tyme of the Scottish Parliament, 1640, in June.
 See the actes of that Parliament, *edit.* 1a, acte 38, *pag.* 54. [Act 39, vol. v., pp. 314,
 315. Thomson's edit. Lord Lowdon seems to have been liberated on the twenty-seventh
 June, 1640. Burnet's *Memoires of the Hamiltons*, p. 171. He arrived in Edinburgh on the
 third of July. Bishop Guthrie's *Memoirs*, p. 74.]

make ready to encounter the King, not as unto an uncertaine warre with anxietye, but with confidence as to a victorye, which they foresaw would cost little bloode. And now they wer resolute to dryve the naile to the heade before they should laye downe ther armes againe; making a manifesto to justifye ther new attemptts of ther last summers modest concessions.

XCVIII. The trade was stopped, and Scottish shippes at this tyme wer either arrested, seized upon, or ther goods tackne by thes men of warre, or frigattes, to whom the King had graunted letters of marke for that pourpose. Lykewayes, they had letters of advyce sent them concerning the King his preparations, both by sea and launde; and that much warlike ammunition was dayly laide up at Hull, Bervicke, and Newcastle; whairof it was alleged that a considerable pairte was transported from Holland, Denmarke, and Flaunders: in doing whairof, the Covenanters, the yeares past, wer not behynd with the King. Ruthven, lykewayes, was now begunne to disturbe the peace of the towne of Edinburgh, by frequent canonads lett flye upon the towne, yet spared to doe all the hurt that he could have done; wherby they wer already putt to the charge of souldiourye for to bear him upp, or amuse the people.

XCIX. The King, with ther oune consent, had adjourned the Parliament to June second. The interest of ther busnesse could not waite upon that dyet; therfor, ther comittye must tacke order for putting all in a martiall posture till that tyme should appoache. To which ende, they appoynte a new levy greater than the last yeares, and over that army generall Lesly is designed generalissimo: Sir James Levistowne, Lord Almond, brother to the Earle of Lithgow, was appoynted lieutenant-generall, who to this ende was called home from Holland, wher he left behynde him a regiment which he commanded as colonell under the States Generall, albeit he had gotne this accessionary charge in Scotland. Baillye, of the family of Lammington was designed generall major of the foote, who wer to enter England; and Mr. Robert Monroe, a colonell, a gentleman borne in Rosse, who had been bredd up under Gustavus Adolphus, King of Sweden, was designed generall major of that pairt of the army which was to abyde in Scotland for defence of the countrey.

C. Whilst thes things wer a doing, the comittye had a specielle eye to Huntlys followers, and to the towne of Aberdeen; who, albeit that the Marquesse of Huntly himself wer all the past tyme, after the pacificatione, at court with the King, yet his freends and followers had laid asyde nothing

A. D. 1640.

Trade stopped; castle fires on Edinburgh.

Lesly made general; Sir James Livingstone, lieutenant general.

Special eye to Huntly's followers, and to the town of Aberdeen.

A. D. 1640.

deen. Mar-
shal, the For-
besses, Fra-
sers, entrusted
until Monro
should come
with his regi-
ment.

of ther wonted animositie against the Covenante. They looked upon themselves not as conquered in any just victorie, but traitord by colonell William Gunne; and lived with hope, and longing, to have ther credite repaired: And to this pourpose, they wanted nothing but ane heade, who might be Huntlye or some of his sonnes, who wer all of them gentlemen of gallantrie suitable to ther noble extraiete. The comittie of estates wer ignorant of nothing of all this; therfor (untill such tyme as collonel or generall-major Monroe should be ready for to marche northe with his foote regiment, appoynted for to suppress and garrisone Aberdeen, and Huntlyes freends and followers, as after shall be speciefyd), they appoynte William, Earl Marishall, for to draw together such of his freends, in Mearns and Buthquhan, together with the Forbesses and Frazers, as wer Covenanters, who wer to be under him, and putt themselves in a posture not only of defence, but offensive, if neede wer, till Monroe wer readye to second them. It was Marishall, who, with Montross, had gained the passe of Dee the former yeare: a gentlman not ill disposed if left to himselfe, and at that tyme too young⁽¹⁾ to see the depth of the courses that he was ledd upon by the wisdome of his eosen Ardgylle, though much against the good lycking of his mother, Lady Mary Erskyne, Countesse of Marishall, who laboured much (but in vaine), to reclaime her sonne to the Kings partye.

Marshal enters
Aberdeen;
extorts money.
May 5.

CI. The pretext was, that Aberdeen refoosed to pay (as most part did), any taxt for releefe of the commone burthen. This gave Marishall a colour to enter Aberdeen, May fifth, aecompanyd with a considerable number of his freends and followers, and others Covenanters, Forbesses and Frazers. And ther having tackne upp ther quarters, they conveyd the magistrates of Aberdeen, and by threatnings extorte from them about sex thousand merkes Scottish. This was but for a taste, and to aecustome them to the arbitrary taxtes which frequently thereafter wer levyd off that suffering citie. This being payed, after some dayes staye, he and his associatts reteere.

Affair betwixt
Tolquhon and
Mr. George
Lesly.

CII. Somewhat happened in ther retreate either ominouse or sportfull. It was a scuffle that fell out amongst his conveye near the Bridge of Dee, by occasion of a privat quarell tuixt Walter Forbesse of Tolqhwone, and one of Marishalls followers, called Mr. George Leslye, who strucke Tolqhwone in the head with the cocke of a pistoll so hard as to wonde him.

(1) ["Being about 23 years of age," says Spalding, *Hist. of Troub.*, vol. i., p. 198.]

This was lycke to have brocke the new, scarce weall cemented, associacione betwixt the Keithes and Forbesses, had not Marishall shewne so much zeale and willingnesse to satisfie Tolqhwoe, that he instantly at that tyme tooke Mr. George Lesly along with him to Dunnottyre, Marishalls cheefe residence, within twelve myles of Aberdeen, or therby; and ther laid him fast in fetters, without any order of law, and after a few dayes sent him prisoner to Aberdeen, causinge laye him fast in the common goale: all this without order of civill or military lawe. Nor ended it heer, but Marishall must needs have Mr. George Leslyes hand strucke off; and to this demanacione a solenne daye was prefixed. People did runne from all pairtes of the towne to see this new and unswall spectacle; a blocke was sett upp upon the markett streete; but when the prisoner was looked for, he refoosed for to come out of prisone except they wold fetche him down staires perforce. Thus his hande was safe for that daye; and Marishall was advertished of his mans obstinacye to parte with a hande: wherupon Marishall in a chaffe (seeming at least), sends new orders to him to delyer up his hand as a sacrifice for to attone Tolqhwons wrathe, otherways lett him be at his hazarde. Wealle, delayes could not availle; if Mr. George Leslye will not come out voluntarily, he must be draggd to the blocke. A new day is assigned, and all runne and croude to the shewe; Mr. George Leslyes hand is held forth, and his wrist is tyde with a ribbon by the headsmen. The blow is to be givne to his hande, laide upon the blocke, when forth steppes a gentlman sent from Tolqhwoe, who reskwes him, and tackes upp his hand from the blocke, which from henceforth he must hold as Tolqhwons gifte. Thus ended this tragicke comaedy, which all along had been the occasiōe of sport to many: It beganne foolishly; its progress was informall and ridicolouse; and the conclusiōe therof was suitable to bothe.⁽¹⁾

A. D. 1640

(1) ["Thir things done, this generall or governour Marischall, upon the 8th of May, rydes back to Dunnott, and the rest goe home, and at that time dissolve; but young Tolqhwoe, and diverse others of the name of Forbes, went out to convoy generall or governour Marischall a piece of the way. Mr. George Lesslie and William Fraser of Bogheads (both good-brethern, and the generall's tenents) being with the rest in his company, mett with the young laird of Tolqhwoe, and unhappily discorded. Mr. George hurt him in the head, upon the Tulloch-hill; they are pairted, he and Bogheads are taken and disarmed, and the governour promisses satisfaction to Tolqhwoe, who took his leave frae him and returns to Aberdein, and he forward to Dunnott, wher the saids Mr. George Lesslie and William Fraser (suppose he was innocent) were both laid in the irons. Upon the morne, they were sent about be sea, shackled in irons, to Aberdein, with warrand to the provost of Aberdein to waird them both in the tolbuith, and to cause strike off Mr.

A. D. 1640

Treeve, a
house of
Nithsdale's,
besieged; also
Carlaveroch.

CHII. Marishall was no busyer about Aberdeene then Argyll was in the west: For the comittye had tackne course for keeping all qwyett at home; and for effectwating that, it was thought expedient that as Edinburgh castell was already begirt with a crosse seidge, so that Dumbarton castell should lykwayes be blocked upp. It was commanded by Sir Johne Hendersone, who had been lately placed ther (with a commanded party of souldiours and ammunitioun proportionable), by the Kings directione. And because Robert Maxwell, Earle of Nithsdale, a Roman Catholicke to his professione, had fortifyd two of his castells, Carleavroke and Treeve, and garrisond them, it was therfor ordaind by the comittye that both his houses should be tackne in by seidge. Treeve was commanded by one of the Earles freends, and was first gained after some resistance. The castell of Carlaveroch, the cheiffe place and strenth of Nithsdale (thought to be the *Carbantorigium* of Ptolemee), as it is stronge by nature, so was it now strenthned by airte and armes, but cheefly by the presence of the Earle himselfe, who wold command ther in persone, and maintained a seidge for some considerable tyme, till the assailants getting leisour eneuchoe for to goo about ther worke, after they had made ther approaches according to the rules of the moderne warre, being commanded by a skillfull souldiour, the Earle despairing of releefe, in ende rendred upon quarter.

George Lesslie's right hand at ane staik, for hurting the said young Tolquhone, in the generall's company, against the discipline of warr. The provost receives them, waids them, and caused loose their shackles; but thought he was not judge to this punishment for such ane ryot committed within the sherrifdome of Mearns, wher Marischall himself was sherrif, who was only judge therto. Many people murmured against this rigorous sentence given out against ane gentleman for such a slight fault, done also in his own defence. Nevertheless the generall, of his own authoritie, upon the 18th of May, caused fix fast in the calsey at the mercate croce of Aberdein ane stock, and an axe laid down besyde it; and ane little scaffold of timber bigged about, with ane fire kindled to burn the blood when the hand was cutt off. There was also ane chair sett besyde the stock, and the hangman ready besyde. The gentleman is brought from the tolbuith; and as he is coming down staires, the people being convinced in great numbers about the croce, cryed out pitifully against this cross and crueltie of the gentleman's rigorous useage. Allwayes, he layes down his arme upon the stock, and the hangman readie to give the stroak; but by the expectation of the beholders, the master of Forbes suddenly comes to, and lifts his hand from the stock, and made him free; wherat the hail people nightiely rejoiced. He was had back to the tolbuith, wher he was arrested at the instance of Mr. James Clerk, and remained in waill whyle the 25th of June following, syne putt to libertie; but William Fraser was releived out of the tolbuith upon the 25th of May, but any more danger. The generall did this for satisfieing of young Tolquhone, and, as was said, he had never mind to take the gentleman's hand who was his own tennent, but only made a shew as ye have heard, wherof doubtless the gentleman had certainty, otherwayes it wold not gone but more trouble." Spalding, *Hist. of Troub.*, vol. i., pp. 199, 200. See also vol. ii., pp. 164, 165, 282.]

CIV. Argyll and Eglintoun were ordered for to secure the western coastes of Scotlande against such incursions or invasions as were either suspected or feared from Irelande, by the lord deputy Straffords meanes; who they knew would leave nothing unessayed to fynde them worke at home, and was so much the more formidable at that tyme because they had intelligence that he was bussey levying both horse and foote. Eglintoun, though nearest Ireland, yet had the easyest charge, the people be south the fyrt of Clyde standing mostly for the Covenant. Argyll tooke charge of the Highlands, both because there was greatest suspition of sturres from thence, and of their correspondence with Strafford, or his associats; and next because Argyll his owne following consisted chiefly of Highlanders. But the cheefe cause, though least mentioned, was Argyll, his spleene that he carryd upon the accompt of former disbleidments betwixt his family and some of the Highland clans: therfor he was glade now to gett so faire a colour of revenge upon the publicke score, which he did not lett slippe. Another reason he had besyde: it was his designe to swallow upp Badzenoch and Lochaber, and some laundes belonging to the Mackdonalds, a numerous trybe, but haters of, and aequally hated by Argyll. He had gott some hold upon Lochaber and Badzenoch the last yeare, viz. 1639, as a cautionary pledge for some of Huntlys debtes, for which he was become engaged as cautioner to Huntlys creditors. By this meanes his title was legall in case of breache of conditione by Huntly; yet at this tyme he could not pretend so much against Huntly; therfor this expeditione against thiose Highlanders was prosecuted for advancement of his privatt designe, either by drawing off such as he could, and macking them for his interest. These were chiefly the clan Cameron in Lochaber, who albeit for the most part Huntlys vassalls or tenents, yet there had been stryfe betwixt Huntly and them in the former tymes, which had come the lenth of bloodshedd and murder upon their part. After that, they had been reduced and punished by old Huntly; but their resentment stucke still in their stomaches, wherein they were right Highlanders, viz. uncertaine friends for many generations. Argyll knew that thiose feared Huntly but loved him not; therfor he wrought upon their humors, and by them first wormd himselfe into thes places. And although it be weall knowne that thes clan Cameron for the generalitie (whatever may be saide of particular persones, of that name, their civilitye or godlinesse), are very farr from relishing the Covenant, and were so then:

A. D. 1640.

Argyll and Eglinton ordered to secure the western coast. Argyll falls upon Lochaber, of which he had a cautionary pledge for some of Huntly's debts.

A. D. 1640. yet some of the most profligate* murderers amongst them wer by Argylle his meanes tackne under the protectione of the Covenanters: And it is very weall knowne that in the yeares following, thes clan Cameron for the most pairt joyned themselves openly to Argylle, and perseecuted Huntlye, ther maister, who, *anno* 1647, fledd to Lochaber for shelter.

Ther is a race of the Mackdonalds who inhabite Lochaber,⁽¹⁾ who are knowne under the name of the Mackrandalls, and are considerable ther. Argylle gave them no such quarters as the clan Camerone gott, though bothe good Covenanters alycke; for they stooede affected to Huntlyes interest, and they wer Mackdonalds: any of the two was cryme eneuche. They wer mor roughly dealt with ther, and Mackrandell his cheife dwelling⁽²⁾ was burnt doune to the grounde, eether by Argylles warrant or connivence.

Befor Argylles retorne that summer, he made the laird of Achintillye prisoner, and compelld the Athollmen to yeeld and delyver to him hostages of peace,⁽³⁾ for they wer much suspected that they wold ryse in armes for the King if they saw asistaunce. Eglintoune gott little or nothing to doe, for Strafford being employd to be lieutenant-generall of the Kings armye, the feares from Ireland evanishd. I have conjoynde Argylles actiones in this Highland expeditione, though they tooke upp some tyme this summer, and mostly fell out after a pairt of such actiones of this yeare as are yet to be insisted upon, least I should confounde my reader (by intermixing actiones distant in place) too muche, although falling out much about one tyme.

Airly castle
destroyed.

CV. I have seen some memorialls of the proceedings of thes tymes, who doe referr the demolishing of Airly castell (belonging to the Lord Ogilvye) to this expeditione,⁽⁴⁾ though I made mentione of it the last yeare.⁽⁵⁾ Sure it is that, in *anno* 1639, it was burnt by Ardgylle; therfor what mor he did ther at this tyme, I can not peremptorly determine. This farr is certaine, that (if yow abstracte from the tyme) Montrosse, with a party, was the

* Donald Gwirke.

(1) [The Clanranald of Lochaber, or Macranalds of Keppoch, called also Macdonalds, and *Siochd Allaster Vic Angus*.]

(2) [The house of Keppoch. See Spalding, *Hist. of Troub.*, vol. i., p. 217.]

(3) ["Eight hostages," says Spalding, "principall men and of note within the countrie, of Stuwarts and Robertsons." *Hist. of Troub.*, vol. i., p. 202.]

(4) [There can be no doubt whatever that the "Bonny House o' Airly" was not destroyed until the month of July, 1640.]

(5) [See above, vol. ii., p. 234.]

first who beseeched Airly,⁽¹⁾ and left the prosecution of it to Argylle; who, at the demolishing therof, is saide to have shewed himself so extremly earnest, that he was seen tacking a hammer in his hande and knocking downe the hewed worke of the doors and windows, till he did sweate for heate at his worke.

Ther was lyckewayes another dwelling, belonging to Airlys eldest sonne, the Lord Ogilvy, called Forthar,⁽²⁾ wher his ladye sojourned for the tyme: This house, though no strenth, behoved to be sleighted; and although the Lady Ogilvy, being great with chyld for the tyme, asked licence of Argylle for to stay in her owne house till she wer brought to bedd, that could not be obtained; but Argylle causes expelle her, who knew not whither to goe. The Lady Drumme, Dame Marian Douglass, who lived at that tyme at Kellye, hearing tell what extremitye her graund chyld, the Lady Ogilvy, was reduced too, did send a comissione to Argylle, to whom the saide Lady Drum was a kinswoman, requesting that, with his licence, she might admitte into her house her owne graund chyld, the Lady Ogilvy, who at that tyme was near her delyverye; but Argylle wold give no licence. This occasioned the Ladye Drumme for to fetch the Ladye Ogilvy to her house of Kelly, and for to keep her ther upon all hazard that might follow: Yet, though Argylle wold not consent therunto, he had no face to qwarell afterwarde with this generouse matrone upon that accompt, she being universally knowne to have beene as eminently vertouse and relligieuse as any lady in her tyme.

CVI. At such tyme as Argylle was macking havocke of Airlyes laundes,⁽³⁾ Argyle's re-

(1) ["The earle of Airlie went from home to England, fearing the troubles of the land, and that he should be pressed to subscribe this covenant whither he would or not, whilk by flying the land he resolved to eschew also weill as he could, and left his eldest son, the lord Ogilvie, a brave young nobleman, behind him at home. The Estates or Tables, hearing of his depairture, directs the earle of Montrose and earle of Kinghorne to goe to the place of Airly, and to take in the same, and for that service to carry cartows with them; who went and summoned the lord Ogilvie to render the house (being ane impregnable strength by nature, well manned with all sort of munition and provision necessar), who answered, his father was absent, and he left no such commission with him as to render his house to any subjects, and that he would defend the samen to his power whyle his father's return from England. There were some shotts shott at the house, and some shott from the house; but the assailants finding the place, by nature of great strength, unwinnable without great skaith, left the seige without meikle loss on either syde; then departed therefrae in June [1640]." Spalding, *Hist. of Troub.*, vol. i., pp. 216, 217.]

(2) [In Glenisla.]

(3) ["Now, about this time, the committee of Estates or Tables,.....gave order to the earle of Argyle to raise men out of his own countrie, and first to goe to Airlie and Furtour,

A. D. 1640.
sentiment
against Sir
John Ogilvy
of Craige.

he was not forgettful to remember old qwarells to Sir Johne Ogilvy of Craige, cosen to Airlie; therfor he directes one serjeant Cambell to Sir Johne Ogilvyes house, and gives him warrant to slight it. The serjeant comming thither founde a sicke gentle woman ther, and some servauntes, and looking upon the house with a full survey, returned without doing any thinge, telling Argyll what he had seene, and that Sir John Ogilvyes house was no strenth at all, and therfor he conceived that it fell not within his order to cast it down. Argyll fell in some chaffe with the serjeant, telling him that it was his pairte to have obeyd his orders; and instantly commanded him backe againe, and caused him deface and spoyle the house. At the serjeants parting with him, Argyll was remarked, by such as wer neer, for to have turned away from serjeant Cambell with some disdainne, repeating the Latine politicall maxime, *Abseindantur qui nos perturbant*: a maxime which many thought that he practised acurately, which he did, upon the acoumpt of the proverbe consequentiaall therunto, and which is the reasone of the former, which Argyll was remarked to have lycke-ways ofne in his moulthe as a choise aphorisme, and weall observed by statesmen, *Quod mortui non mordent*.

Monro comes
to Aberdeen
with his regi-
ment; his de-
mands: Cove-
nanters faction,
ready to grant
them, give a

CVII. But leave we Argyll for a whyle practising his state aphorismes, and lett us follow Major Generall Monroe; who, after midde May, tooke his journey, with his new levyd foote regiment, towards the north of Scotland, who made such haste, that be ten a clocke, upon the twenty-eighth of Maye, he was within two myles of Aberdeen, at a place beyond the bridge of Dee: wher he halted with his regiment and his baggage, and sent his

two of the earle of Airlie's principal houses, and to take in and destroy the samen..... Lykeas, conforme to his order, he raises ane army of about 5000 men, and marches towards Airlie; but the lord Ogilvie, hearing of his coming with such irresistible forces, resolves to fly, and leave the house manless; and so, for their own saiftly, they wisely fled. But Argyll most cruelly and inhumanly enters the house of Airlie, and beats the same to the ground, and right sua he does to Furtour; syne spuilzed all the insight plenishing within both houses, and such as could not be carried they masterfully brake down and pitiefully destroyed. Ther-after they fell to his ground, plundered, robbed, and took away from himselfe, his men tenants and servants, their haill goods and gear, cornes, cattle, horse, nolt, sheep, insight plenishing, and all which they could get; and left nothing but bair bounds of sie as they could consume or destroy or carry away with them, and such as could not be carried was dispitefully brunt up be fyre." Spalding, Hist. of Troub., vol. i., p. 217. "It must not be forgottin how that the Earle of Argyll, in the beginning of this same mounthe (July 1640), with 5000 men, tooke the house of Airlie, (from wich the Lord Ogiluey, two dayes befor hes coming, had fled). This house he slighted, destroyed all the planting, and plundered the quhole poore tenants and landes belonging to the Earle of Airlie." Sir James Balfour's Annales, vol. ii., p. 380. See also Bishop Guthrie's Memoirs, pp. 76, 77.]

qwarter maisters to tacke up ther lodginge, and his comissioners with a paper to present to the magistrattes of Aberdeene, desyring a satisfactory answer therunto, otherwayes he wold tacke the next course. One Patrick Lesly was then provost of Aberdeen, who some moneths befor had been mustering the Aberdeens men, and causing them keepe publicke rendezvouses in ther armes, very far contrary to the good lycking of the most pairt of the cittizens, who did little fancye the Covenant, and therfor wer now giving obedience as freendes or servaintes, but wer trusted and treated like unfreendes: He, I say, who, with some few mor, stooode stiffe for the Covenant, no sooner received Monroes paper, but instantly he convenes the townes councell, who came together in a trepidatione and fright.

A. D. 1640.

satisfying
answer.

May 28.

Monroes paper was presented⁽¹⁾ and readde befor the councell, and a present answer urged from them, who wer not in posture to delay nor refoose. It contained about a twenty-three or twenty-four articles, tending to the qwarter and accommodatiōe of his regiment; as, furnishing them money, clothes, shews, mattockes, and shovells, and spades, when calld for, and a present supplye of money in some competent measure, and free qwarter in ther towne, and to build for his use *court du gwardes* upon ther charges, and for to asiste him with a considerable number of baggage horses for transporting his ammunitiōe into the neighbouring countrey, if neede reqwyre; and, finally, that the Aberdeens men wold obleidge themselves for to be asisting to him with a commanded pairty of ther cittizens, armed and provyded upon the townes charges, to marche whithersoever they gott his orders, or should be conducted by him. True it is, that afterward all thes articles wer not reqwyred at ther handes to be fullfilled; but it is as trew, that at first all thes, and many mor too tediousse to insert heer (all which I have seen and perused), wer both asked by Monroe, and graunted by Aberdeen.

Thes articles wer insolent in the opinion of all sober men, and they thought that he could have sought little mor from a beleagwered towne, that had rendred to him upon discretione. Yet, though the greatest pairt thought them irrationall, they durst not refoose any thing to one who had power to tacke what was refoosed; and such of the Covenanters factiōe, the provost I meane and his associats, who had the command of the towne

(1) [It is printed in Spalding, Hist. of Troub., vol. i., pp. 204, 205.]

A D. 1640. at that tyme, wer that farr from pleading diminutione of any of thes impositions in favours of the cittizens, that Monroe could propose nothing which they wer not readyer to graunte then he was to aske; though what was sought and givne neither Monroe nor his Aberdeens correspondents had right to seeke nor dispose of. The Covenanting magistrates, however, graunted all with the mor facilitie, because heerby they wold ingratiate with ther partye; and besyde, scarce twoched they the burthen with ther little fingers which they wer bynding upon the cittizens backes; yet they made necessitie the pretence and motive to ther fellow cittizens, as qwestionlesse it was trwe that they durst not refoose.

Monroes comissioners gotte quickly ther satisfactorye ansuer from the townes councell and others, who now must macke a vertue of necessitye, and give cheerfully, in seeming at least, that which they could not withhold. With this ansuer the comissioners, after few howers staye, did crosse the bridge of Dee, and came to Monroe, who instantly marched that same afternoon for Aberdeen; and as if it had been some speciale freende and conqueror, coming in covered with lawrells, the magistrates and townesmen must runne out half-way to the bridge of Dee, with ther hosanna. Some wold not be absent, and welcomed ther protectour in earnest; others durst not but be present; but thes last wer the far mor considerable number of the cittizens.

*Court de
guard reared
up.*

CVIII. The very next day after his entrie, Monroe settles the quarter: and for the heade quarter Marishalls house, the most conspicuouse lodging of Aberdene,⁽¹⁾ was appoynted, with the Earles ounge consent. There Monroe quartered. Ther next worke was to sett carpenters a worke for to reare upp a *court du garde*, in the midst of the large merkatt streete of Aberdene; which was quickly finished, being made upp of a portione of some timber belonging to one William Scott,⁽²⁾ a townes pylott, an hott royalist, who was absent or fledd, and his goods seizd for the publickes use: For any thing that was illegally seized upon in thes tymes, if it wer

(1) ["Marischal's Hall stood on the south side of the Castlegate, at the head of the street, which is thence called Marischal Street. It consisted of several buildings, surrounding a court-yard or elose; there was a large garden behind it. It was pulled down about the year 1767." See *The Book of Bon-Accord*, pp. 118—121.]

(2) ["Monro caused bigg up betuixt the eroeces ane court de guard, for saiffeing his souldiers frae weitt and cauld on the night, and wherin they should ly, except such as were on watch. William Scott's timber payed for all now in his absenee, being a true royalist, who sustained much more skaith besydes." Spalding, *Hist. of Troub.*, vol. i., p. 207.]

done by the Covenanters, it was qualifid by such phrases as thes ; and not a few new dictions wer coyned about thes tymes, for to put a specious face upon actions very unuswall in former tymes. A. D. 1640.

CIX. The levyes wer now advauncing in all pairtes, and the pluralitie of the pulpitts bussye sownding an alarm to the people. The Kings popish conncellers, and his actiones tending to the advauncement of poperye, and Canterburys popish plottes, and Straffords bloody designes, and the excommunicate popish prelattes (for so they wer tearmed) ther misleading the King, and the daunger of Christes kyngdome that it was standing into, wer the ordinar pulpit themis. The anti-Covenanters in Scotland wer silent ; and such of the ministers as favoured the King or episcopall government, wer either thrust out of ther places, or conforming themselves to the tymes, though scarcely credited. As for Monroe, at his comming to Aberdene, few or no body retereod or fledd, for he entred peacably, and kept strict discipline amongst his souldiours. His actiones, wherof more anone, wer by publicke order from the comittye of estates, who wer now beginning to order all things in Scotland, as maisters, having assumed the Kings power into ther owne handes, and left to him nothing but a bare name. And the case was altered ; for, wheras in the former yeares Covenanters wer called rebells to the King, now all who owned the Kings interest wer used as traitors, and accompted rebells to the state, and enemyes to God and the good cause. And, which was yet higher and worse (as afterward shall be related), the King was glade to lett them be termed so, and used with indignity eneuche : So farr was he from beinge able to countenance or protecte his weall wishers and best freendes ; who in thes tymes wer glade to submitte to such punishments and to such mulettes and fynes as the Covenanters laide upon them ; fynding as little security (if not lesse) at court (wher all the King his counsellis wer betrayd and revald), then they found at home in ther owne countrey, from whence they had for some tyme retereod.

Levies go on.
Pulpits sound
the alarm.
Monroe keeps
good disci-
pline. King
not able to
countenance
or protect : his
counsellis be-
trayed and
revealed.

HISTORY
OF
SCOTS AFFAIRS.

THE FIFTH BOOKE.

HISTORY OF SCOTS AFFAIRS.

THE FYFTH BOOKE.

I. THE spring tyme was now growne old, and the summer posting on, and military praeparations wer made with aeqwall hast upon both sydes; treatyes givne upp, and actes of hostilitie alreadye begunne, the last summers pacificatione buryd and forgottne; and now it seemed that it was rather a truce betuixt two enemyes for a tyme, that therby eache pairtye might taeke ther breath, and putt themselves in better posture to fall on againe with greater advauntage, then a settled agreement betuixt King and subjectes; who by now beganne to see that ther was no waye to secure themselves, who had drawne ther swordes against ther naturall Prince, but by keeping them continwally unsheathed in ther handes. Therfor they resolve now to dryve the naile to the heade, and to perfect the worke which they had begunne.

The Covenanters saw that ther comissioners labour was lost at Londone, and ther most materiall proposalls and articles rejected by the King. Ther was no doore left opne to help this but one; that was the King his prorogating of the Parliament unto the second of June. The comittye of the Covenanters therfor resolve to lay hold upon the King his new indictione, and to keepe the daye; and if the Kings Commissioner came not to countenance ther conventione, yet to proceede, and conclud, and vote, and enacte all thinges, as if he had beene present: Yet they neither wished him present nor expected him; and it is a questione, if he had come, whither they wold have admitted him who sate last as the Comissioner amongst them. They wanted not a precedent for this; for in Queen Maryes dayes, ther praedecessors had laid hold upon the Qweens indictione of a Parliament, she being that tyme absent in Fraunce, and had convened themselves, and holdne a Parliament, which afterward was ratifyd. Yet this

A. D. 1640.

Things gone to extremity; deliberations how to proceed on the second of June, to which day the Parliament was prorogued, in case no Commissioner came, which was their wish; prorogate themselves being thin; meet again; chuse Burleigh president in absence of the Commissioner; conclude thirty nine acts; six more.

A. D. 1640. had a circumstance in it beyond that former ; for at this tyme the King and they wer both actwally in armes, and the Parliament peers at this tyme wer both covered with ther cuirasses, and with ther Parliament robes of peace ; so that ther gownes and robes wer now coates of armes.

June 2. The first day of meeting was June second ; but the comissioners not being frequently enuch conveened that day, they prorogate themselves to the eleventh of June.

June 11. That day they meet againe, and all in one voice they choose Robert Balfour, Lord Burleigh, to be president of Parliament, in absense of the Comissioner : And thereafter, in a short space, with a great deale of unanimitye, they voice and conclude thirty-nine actes of Parliament, which wer afterwarde printed by themselves, at first under the name of " Actes past and done in this present sessione of the second Parliament of King Charles, holdne at Edinburgh, the eleventh of June, 1640." I tacked notice of the title, because in the print coppye I fynde no mentione of any day that they mett upon but June eleventh ; so that, either they used great expeditione in passing so many actes in one day (though I confesse it is probable, for all was made worke), or otherwayes the clerke of the register was to blame ; for ordinarily in other Parliaments the sessions and dayes of the sederunts are designed. Sex other actes wer past, which I fynde not in the print index ; yet I shall give the reader ane accompt of all the forty-three actes from ther oune informations.

1. After they had voted Lord Burleigh to be president, ther was a declaratione drawne upp concerning the reasons of the present Parliament. But that acte was not printed.⁽¹⁾

2. Ther next acte was the constituting of the Parliament,⁽²⁾ and all following Parliaments, to be of noblemen, barrons, and burgesses, who wer from henceforthe to be holdne for the three estates of Parliament, discharging bishopps, and all churchemen from having any vote in Parliament thereafter, and rescinding all former actes of Parliaments or lawes, that had givne them any voice in Parliament, in name of the church, or upon any other accounte whatsoever.

3. Ther third acte⁽³⁾ was ane ordinance, that evrye estate should choose

(1) [It will be found in The Acts of the Parliaments of Scotland, vol. v., pp. 288, 290. It is entitled " Declaratione be the estaittis of parliament premitit be thame to thair proceedings."]

(2) [" Act anent the Constitutione of Parliament." Acts Par. Scot. vol. v., p. 288.]

(3) [" Act anent the chusing of committeis out of ilk estait." *Id.*, pp. 290, 291.]

ther owne lords of articles; and thes lords to have power to conclude nothing, but to propose overtures to the Parliament. A. D. 1640.

4. Then they proceeded to the ratificatione of the actes of the Assembly of Edinburgh, *anno* 1639.⁽¹⁾

5. And in ane acte⁽²⁾ particularly, they ratifie the Covenant, and the supplicatione of the Assembly to the counsell for subscribing therof, and the acte of counsell and acte of Assembly concerning the Covenant: all which are engrossed at lenth in ther registers, together with the clause that was added to the conclusion of the Covenant.

6. The acte called rescissorye⁽³⁾ followethe; wherby the episcopall power, and all actes of Parliament in ther favours are rescinded, and presbytries putt in their places to doe all that bishoppes befor did; and withall they declare all the judicill sentences of the High Comission to be voide and null.

7. And because severall churches wer vacant, by deposing of ther ministers, or otherwayes, to which churches, the patrons, being Royalistes, refused to present others; therfor they ordaine presbytries to plante thes churches after six moneths, with consent of the parishioners, without praejudice of the lafull patrons ther right, when thes churches shall vake heer-after.⁽⁴⁾

8. Next they ordaine that all churches which belonged to bishoppes, by the acte of restitutione, 1606, shall heerafter belong to presbytries, and be presented by them.⁽⁵⁾

9. Ther ninth acte⁽⁶⁾ was ane inhibitione of mylnes or salt pannes to goe upon the Lords daye. But in this acte they have not determind the limits of the Lords daye, when it shall beginne or ende.

10. And by a particular acte lyckewayes, they inhibite all salmond fishing upon the Lords daye.⁽⁷⁾

(1) [" Ratificatione of the actis of the Assemblie." *Id.*, pp. 291, 292.]

(2) [" Act anent the ratificatione of the Covenant, and of the Assemblies supplication. Act of counsell, and Act of Assemblie concerning the Covenant. *Id.*, pp. 292—298.]

(3) [*Id.*, pp. 298, 299.]

(4) [" Act for planting of kirkis vnprovydit with ministeris throw the patrones default." *Id.*, p. 299.]

(5) [" Act anent admissioun of ministeris to kirkis qwhilks belonged to bishopricks." *Id.*, pp. 299, 300.]

(6) [" Act Dischargeing the goeing of salt pannes and mylnes vpoun the Sabbath day." *Id.*, p. 300.]

(7) [" Act discharging salmond fisching vpon sonday. *Ibid.*]

A. D. 1640. 11. The eleventh acte was against papistes,⁽¹⁾ jesuittes, preestes, and resettters of them, and a ratificatione of all actes made against them in former tymes ; as also against all excommunicate persones, and against resettters of preests three dayes together..

12. The twelfth acte⁽²⁾ dischargeth Christmasse vacance of the session, and appoynteth the sessione to sitt downe November first, and to ryse the last of February ; and therafter to sitt downe the first of June, and to ryse the last of Julye.

13. Acte thirteenth⁽³⁾ discharged Mundayes mercatt in Edinburgh and some other townes, or keeping of mercatts or trysts upon the Lords daye.

14. Acte fourteenth⁽⁴⁾ discharged confluence of people for hyring shearers upon the Lords daye.

15. Acte fifteenth ordained letters of horning and captione by the lords of sessione against the excommunicate prelates, and all other excommunicate persones.⁽⁵⁾

16. Acte sixteenth⁽⁶⁾ ordained the authors and spreaders of the Kings Large Manifesto (wherof Dr. Balcanquell was thought the penner) to be severly punished, according to actes of Parliament against lee mackers be-tuixt the Kinge and his subjectes.

17. Acte statutarie appoynting Parliaments to be holdne once evry three yeaere.⁽⁷⁾

18. Acte ordaining the castells of Edinburgh, Strivling, and Dumbarton, to be kept by native Scottish ; and thiose to be chosne by advyce of Parliament, and to tacke ane oath to be true to the King, and reformed relligion, as it is presently professed.⁽⁸⁾

19. Ordinance for productione of the registers of Parliament to the first sessione of evry Parliament, under the sanctione of depryving the clerke register of his office ; and that the clerke register should bee readye to give extractes at all tymes, as the subjectes should requyre.⁽⁹⁾

(1) ["Act against Papists." *Id.*, pp. 300, 301.]

(2) ["Act Discharging the yule vacance, etc." *Id.*, p. 301.]

(3) ["Act anent the discharging of the monunday mercatt in Edinburgh, Jedburgh, Dunfreis, Brechine, and glasgow," *Id.*, pp. 301, 302.]

(4) ["Act for taking ourdour with the abusses committit on the Sunday, by the confluens of pepill for hyring of scheiraris in harvest," *Id.*, p. 302.]

(5) [*Ibid.*]

(6) ["Act anent the Large Declaration," *Ibid.*]

(7) [*Id.*, p. 303.]

(8) [*Ibid.*]

(9) [*Id.*, p. 304.]

20. Acte discharging all proxies to be admitted in Parliament; and that no forraigne noblman shall have place or voice in Parliament, unlesse he have ten thousand merkes laund rent in Scotland.⁽¹⁾ A. D. 1640.

21. Acte discharging the graunting of protections by the lords of the counsell or exchequer, or graunting of *supersederees*; and whatsomever lord of session, *etcet.*, grauntes them, to be lyable to the debt.⁽²⁾

22. Acte declaring the exchequer to be only judge in matters concerning managing the Kings rents and casualities, and of nothing else.⁽³⁾

23. Acte in favours of thoise who held ther laundes of archbishops, bishoppes, or of thier chapters, that they shall not incurre the hazard of ther clauses irritant in ther charters or leases, notwithstanding the not payment of dutye which is unpaid betuixt the first of Apryle, 1638, and since that tyme.⁽⁴⁾

24. Concerning vassalls of erections, that they be not subject in double payment, nor the superiors defrauded of ther few dewtyes, notwithstanding of ther surrenderye in favours of the King.⁽⁵⁾

25. Acte ordaining all greivaunces to be given in, in plane Parliament, and not to the clerke register, conforme to old actes of Parliament.⁽⁶⁾

26. Acte suppressing the distinetione of temporall lords of session, and spiritwall lords therof.⁽⁷⁾ So wer the bishoppes call'd.

27. Acte against leeing mackers betuixt King and subjects, of whatsomever qwalitye, office, place, or dignitey, to be punished according to actes of Parliament.⁽⁸⁾

28. Acte annulling all proclamations made, under the paine of treason to the disobeyers, since the beginning of the troubles; and they all declared to be unjuste and unlauffull, and none of the disobeyers traitors; and that no persone can be declared traitor but by the Parliament itselfe, or by a lauffull and ordinar judge, after tryall.⁽⁹⁾

29. Explanacione of the preceeding actes of Parliament made against bandes and conventions amongst subjectes, without the Kings warrant, *etc.*; as also declaring the bands and conventions made and keepest since the beginning of the present troubles, to be legall and lauffull,

(1) [Acts Parl. Scot., vol. v., p. 304.]

(2) [*Id.*, pp. 304, 305.]

(3) [*Id.*, p. 305.]

(4) [*Id.*, pp. 305, 306.]

(5) [*Id.*, p. 306.]

(6) [*Ibid.*]

(7) [*Ibid.*]

(8) [*Id.*, pp. 306, 307.]

(9) [*Id.*, p. 307.]

A. D. 1640. because ther bands and meetings are now for the publicke good of kirke and state, and for defence and preservatione of the Kings Majestye.⁽¹⁾

30. Acte declaring that the warde and marriadge of such as shall happne to be killed in (the warre against the King), defence of the relligione and libertyes of kirke and kyngdome, shall pertane to ther heires or childeren, and that the King and all superiors are therfrae secluded.⁽²⁾

31. Ratificatione of the acte of the lords of sessione, *Martij penultimo*, 1639, for supplying the absence of the signett, and discharging the transporting therof, or any other seale, in tymes comming.⁽³⁾

32. Acte discharging all custome of ammunitiōe brought home to the leidges, to ther owne use, for defence of relligione and libertyes of kirke and kyngdome, in the publicke cause.⁽⁴⁾

At the reading and voting this acte, William Dicke protested.⁽⁵⁾

33. Acte appoynting a comittye of estates, consisting of twelve of evry state, the one half to be with the army, the other half to stay at Edinburgh; and thes to have the rule of the countrey, and to care for all thinges that concerned provyding for the armye, pay, or victwalls, *etc.*; or taxing the countrey for that ende, and valuing shyres, or appoynting valuatoris, *etcet.*⁽⁶⁾

34. Acte for laying a taxatione upon all the kyngdome, for releefe of the common burthen of the warre.⁽⁷⁾

35. Acte ordaining summonds to be direct and execute against all persones, who are culpable of the crymes and faultes contained in the acte (*viz.* who syded with the King against the Covenanters), to compeer befor the next sessione of Parliament.⁽⁸⁾

36. Acte in favours of the Kings vassalls of warde laundes, recommending ther praejudice, by acte *anno* 1633, to the consideratione of the next Parliament; meane whyle, suspending the force and execution of that acte.⁽⁹⁾

37. Acte appoynting a thousand merke yearly to be payd to procurator of the church, Mr. Archibald Johnstone, and fyve hundereth

(1) [Acts Parl. Scot., vol. v., p. 307.]

(2) [*Id.*, p. 308.]

(3) [*Id.*, pp. 308, 309.]

(4) [*Id.*, p. 309.]

(5) [*Id.*, p. 325.]

(6) [*Id.*, pp. 309—311.]

(7) [*Id.*, pp. 311—313.]

(8) [*Id.*, pp. 313, 314.]

(9) [*Id.*, p. 314.]

merkes yearlye to Mr. Robert Dalcleishe, church agent, out of the bishops rents.⁽¹⁾ A. D. 1640.

38. Acte ordaining the whole subjectes and leidges of this kyngdom to obey, mantaine, and defende the conclusions, actes, and constitutions of this present Parliament, and to subscribye the band appoynted for that effecte.⁽²⁾ The band was as followethe :*

“ We, noblmen, barrons, burgesses, and others, undersubscribers, Considering how necessary it is to establish our unione in the preservatione and maintenance of our religione, lawes, and libertyes of this kyngdome, and of his Majestyes authoritye, and to prevent all factiones, contentions, and divisions, which may aryse in praejudice therof, from malitiose suggestions and misinformations of our adversaries; Doe all and evrye one of us, with our heart and hande, testifie and declare our resolutione and obligation (for the reasones and causes at length exprest in the acte of Parliament immediatly preceding), to acknowledge the forsaide Parliament to have been, and to be a free and lafull Parliament: Lyckas, we bynd and obledge us, and evrye one of us, upon our honours and credite, and as we desyre to bce, and to be holdne, true lovers of our countrey, and of the religione, lawes, and libertyes therof, efauldly and faithfully, to the outermost of our power, to joyne and concurre with our persones and estates, evrye one of us acordinge to our severall stations and callings, in the maintenance of the freedome and lafullnesse of the forsaide Parliament; and in the advauncement and furtheraunce and asistaunce of the executione, obedience, and observacione of the actes and constitutions therof; as the most fitt and necessary remedies of the bygone and present evils and distractions of this kirke and kyngdome, and for the preservacione of the religion, lawes, and libertys therof, and of his Majestyes authoritye: And that, in the first Parliament whiche shall be holdne heerafter in this kyngdome, and at all other occasions, and agaiust any oppositione whatsomever; except in so farr as shall heerafter be thought fitt and expedient by the common advyce and consent of the estates. In wittnesse wherof, we have signed and subscriybed thes presents with our handes, at,” *etcet*.

Any man wold have thought that the Covenant might have obledged them to stand to ther oune conclusiones; but it was too generall, and therfor

(1) [Acts Parl. Scot., vol. v., pp. 315, 316.]

(2) [*Id.*, pp. 316—318.]

* See print actes of Parliament 1640, *edit. prima*, *pagg.* 56, 57. [Acts Parl. Scot., vol. v., p. 318.]

A. D. 1640.

Reasons of
the band.
Parliament
declared cur-
rent: their
acts.

it behoved to gett this explanatory appendixe: for thes actes shewed what they founde necessaire to be reformed in the state, as the appendix to the Covenant explained ther churche reformatione.

II. Ther reasons for this mutwall band and Parliament (besyde such as are already spokne of in ther declarations, and repeated in this acte), wer :⁽¹⁾

That since the tyme was come to the which the King did prorogat the Parliament, and no advertishment come from him to them to tacke any course for remedying the greate disorders of the church and state; They, being the great councell of the kyngdome, could not be altogether so forgettfull of themselves, and deficient to ther cuntry, as to suffer this Parliament, which they had so oftne petitiond from his Majestye, and which was conditiond and accorded at the pacificatione, and indicted by his Majestyes speciall authoritye, to be deserted and expyred without anye conclusiones to the good of the common wealthe in so great extremitye: But rather they thought themselves bounde in conscience and dutye for to proceede to the determinations of such matters as are necessarye for establishing of the peace of this kirke and kyngdome; as beinge the expresse and speciall endes of ther supplicationes, without trenshing any wayes on soveraigntye, or derogating in any sort from his Majestyes authoritye; but, upon the contrary, looking first upon the constitutions of the Generall Assembly, past in presence of his Majestyes Comissioner, and the necessaire consequences therof, and provyding remedies for the present evills of the kyngdome, by removing the cause, and establishing necessaire conclusiones for preventing the lycke heerafter, *etcet*.

The band they ordained to be subscrybed by all members of Parliament, and by all subjectes of Scotland, as they shall be directed by the comissioners of Parliament, left at Edinburgh, and to be reported to the clerke betwixt that tyme of ther ordinance and the first of September, 1640. And they ordane all delayers, refoosers, or postponers to subscrybe, to be holdne as enemyes and oppositts to the common cause.

39. Ther last acte was ane acte declaring the Parliament current, and continowing the same till the nineteenth of November, 1640; and withall they ordaine all the forsaide actes to be printed and published⁽²⁾: Which was accordingly done; and it was from that print copy that I have transcribed this rubricke of ther actes.

(1) [Acts Parl. Scot., vol. v., pp. 317, 318.]

(2) [*Id.*, p. 319.]

Some other actes wer past ther which are not in the first editione of the printed actes of that sessione (first or second, I know not if I shall terme it); for most of the above mentioned actes wer concluded in the first meeting, and it seemes drawne upp when Traquair was Comissionair, and present with them; but none of them voted till ther now meeting in June.

1. Thes actes wer, besyde the Declaratione concerning the reasons of the Parliament.

2. Supplicatione of the Lady Lowden concerning her husbands losses by his imprisonment, and the Parliaments ansuer, promising to refund all his losses.⁽¹⁾

3. Acte in favours of the Lord Lindsaye, anent the cokett of Saincte Andrews.⁽²⁾

4. Acte approving generall Leslyes comissione, *anno* 1639, to be generall.⁽³⁾

5. Acte approving generall Leslyes present comissione to be generall in this expeditione, 1640, *etcet.*⁽⁴⁾

6. Acte approving the lieutenant generall, and two major generalls ther commissions.⁽²⁾

7. Acte for forfaultrye of Patricke, Lord Etricke (that is generall Ruthven), and his under commanders.⁽⁵⁾

III. It will not be amisse to give some accounte of the members of the comittye of estate, and ther power, as it was specyfyd in this Parliament; because in the following yeares this new representative had the power of Kings and Parliaments engrost in ther persones and judicatorye.

The members of it wer,* noblemen, Rothesse, Montrosse, Cassills, Wigtoune, Dunferlemyne, Lothian, earles: for lords wer, Lord Lindsey; Lord Balmerino; Couper; Burleighe; Napier; Lord Lower: lords of sessione wer Lord Durye; Lord Craighall; Lord Scottistartvett: then followd Sir Thomas Nickolson of Carnocke, lawer; Sir Patrick Hepburne of Wachtoune; Sir David Hume of Wedderburne; Sir George Strivling of Keir; Sir Patrick Murray of Elibanke; Sir Patrick Hamiltoune of Little Prestoune; Sir William Cuninghame of Capringtoun; Sir Wil-

Committee of Parliament and its powers. Rupture in the committee: Argyll not in the nomination; and why?

(1) [Acts Parl. Scot., vol. v., pp. 314, 315.]

(2) [Not extant.]

(3) [Acts Parl. Scot., vol. v., p. 320.]

(4) [*Id.*, pp. 319, 320.]

(5) [*Id.*, pp. 320—323.]

* See first edition of the print Actes of Parliament, 1640, p. 41, *et seqq.*, acte 33. Acts Parl. Scot., vol. v., p. 309.]

A. D. 1640. — liam Douglass of Cavers; James Chamber of Gadgirthe; Sir Thomas Hope of Carse; Drummond of Ricardtoun; Laird of Lesly, Forbesse; Mr. George Dundasse of Manner; John Smyth, a burgess of Edinburgh; Edward Edgar, burgess of Edinburgh; Thomas Patersone, taylor, Richard Maxwell, sadler in Edinburgh; William Hamiltoun, burgesse of Lithgow; Mr. Alexander Wedderburne, clerke of Dundee; George Porterfeeld, balliff of Glasgow; Hugh Kennedy, ballif of Aire; John Rutherfoord, provost of Jedburghe; Mr. Alexander Jaffray, burgess of Aberdeene, or Mr. William More, balliff of Aberdeen, in his absence; James Sworde, burgess of Sanct Andrews; and James Scott, burgesse of Monrosse.

Thes wer a mixed multitude; many heades heer, but few statesmen, though all nominate to sitt at the helme. Some of thes wer known to favour the King, yet wer nominated either to unmaske them or to deboshe them by ther concurrence against him; others added for ther insufficiencye, as knowing that they bore a zeale to the cause without knowledge, so the fitter for ther endes: they wer added as cyphers to the few digittall statesmen who sate heer, to macke upp number, and for the greater authoritye; and mainly to delude thes simple ignorants, by macking them beleeve that they had power and authoritye, when indeed they had but the name, and others the swaye. Thes wer added and augmented, and chaunged in the following yeares, or turnd off as the few ringleaders saw occasion in the following yeares, or as they founde them faithfull and fordwards, or growing cold or slacke: And befor the yeare turnd rownd, ther interveend a fowle rupture and shisme amongst the principall members of this comittye.

One thing was much remarked heer by all men, which shewed much modesty and selfe denyall in Ardgylle, as to be contented not to be preferred to this high honour.* But all saw he was *major potestas*, and though not formally a member, yet all knew that it was his influence that gave being, lyfe, and motion to thes new modelld governours; and not a few thought that this *juncto* was his invention. If it wer so or not, I determine not.

Thes had power to doe, order, directe, acte, and putt in executione evry thing necessaيرة, as weall for preservacione and maintenance of sea and

* A reasone why he was not nominate was, his absence at this tyme in the Highlands, and his being employed much of this summer in waiting upon Straffords army its supposed invasion. Yet ther was a doore left opne for him to enter the comittye whenever he pleased, both as an officer of the army and upon the call of the comittye, for they had power to call any they pleased for to asiste them; so, albeit he was not nominate, yet he was included in the state comittye.

launde armyes, as for ordering the countreye, and whole bodye and inhabitants therof, decyding of questiones and debates which should happne to aryse or fall out in any bussnesse or occasion in this kyngdom, concerning the peace and qwyett therof; without praejudice alwayes of the Colledge of Justice, or any other ordinary lafull established judicatorye within the kyngdome, lafully established by acte of Parliament.

Second, Power to borrow, uptacke, and leavy money for use of the publicke, and to order the depursing therof.

Third, Power for all things that might concerne the peace and good of the countrey.

Fourth, Power to call or convene any subject befor them, for counsell or asistaunce.

Fifth, Power to order collectors of publicke dwes, and to call them to accompte by themselves or others, and to allow or dissallow ther depursments as they pleased; and the estates to pay whatever the comitty shall borrow upon publicke accompt.

Sixth, Power to them to lay downe the wayes how thes publicke debttis shall be defrayd; and to that pourpose to laye taxes on the countrey, and assigne evry shyres proportione therof.

Seventh, Power to direct letters of horning against all refoosers to pay, and for to compell them to pay ten merkes fayly, *per centum*, of ilk hunderethe.

Eighth, Power to doe generally all things necessaire for the wealle of the kyngdome and preservatione of relligione.

Ninth, Power to constitute comissioners in the army, and in the countreye, as they shall thinke necessaire.

Ther residence shall be in pairt at Edinburgh, or wher they thinke expedient; and the other half of them constantly at the armye; and thes two for to keepe correspondence together.

Twelve of evry estate for both comittyees, macking eighteen for evry comitty; ther qworum to be three of evry estate, when the estates are full; and if the estates keepe not all, then seven* promiscuously shall be the quorum; if any dye, the rest has power to choose one into his place; and this power is graunted to eache of the two severall comittyees.

[*Tenth*], The sentenceof the qworum as obligatorye as if all wer present.

* *Septemviri*.

A. D. 1640. [Eleventh], Both comittyes must joyne together, either to conclude of warre or peace, but may not severally acte that waye.

Maister Adam Heburne of Humby shall be clerke for to keepe ther recordes and actes, all which must be wryttne: He or his deputes for to keepe all the publicke papers, and ther subscriptions to macke faith unto publicke actes.

The said comittye has power to call the conventione of estates as oftn as they please.

Absents are to be fyned by such of the comitty as are present, and all of them must give ane oathe of fidelitye.

Mr. Archbald Johnston, clerke to the kirke, must still attend the generall at the armye as a supernumerary comittye man.

The generall, and all generall officers, may be members of this comitty, as oftn as occasione shall offer.⁽¹⁾

By vertue of this acte we have the constitutione of the *high mogen* comittye of the estates, in place of the King; a power that Scotland had never knowne, nor heard tell of befor. They wer the Parliaments delegatts, and a virtwall Parliament epitomised; the acte scarcelye mackes them so much as comptable to a Parliament; or if they wer, it was no great matter, for all saw that by this meanes they wer but accomptable unto themselves; for they wer not only a commanded partye of the Parliament, but the ringleaders therof. Ther was one clause in ther power which materially might macke them a Parliament; that was, ther power to call for any they pleased to asiste them with counsell. And ther power of macking peace and warre, and laying on impostes, wer verye highe and rampant; so farr as very ordinar judgements saw clearly that they wer sett in place of King, Parliament, and pryve counsell.

IV. It is not agreeable with my pourpose at this tyme to canvasse the formalitye of this Parliament, since the King allowd it all the next yeaere, both roote and braunche. I shall only desyre the reader to looke backe a little and compare ther articles and propositiones to Traquaire, then Comissioner, and to the King himselfe in winter, by ther comissioners at London; wher in the Kings answers I have givne yow his sence of the most materiall actes. And if ther proposalls at court, and ther present actes of Parliament be confronted, ther will be mor founde in the conclusion then

Formality of
this Parlia-
ment.

(1) [Acts Parl. Scot., vol. v., pp. 309—311.]

in the premisses, mor enacted heer then was urged at Londone (some things not materiall are omitted), evne besyde thes new actes, the which the emergencye of this present warre did give them a colour for. A. D. 1640.

Some actes of publicke concernement past, which tended really unto the rectifying of abuses, and wer laudable; but thes wer but few and inconsiderable, if compar'd with thes many actes wherby they did chaunge the government in some of its fundamentalls, and made the King nothing but a shaddow, and which they past for ther owne securitye, turning the lawes against such as had stooode for the knowne law, and drawing and wresting all thinges for ther owne securitye and profite, and for the impoverishing or punishment of the royall partye who opposed them.

Ther twenty-ninth acte concerning bands and conventions of subjectes, is of so ambigouse a qualificatione, that it opnes a doore to Anabaptistes and Qwackers, and all manner of sectes, if they once prevaile in number and strenthe for to lay hold upon it, and wounde them with ther owne weapone. For if this be once graunted that men shall be once judges in ther owne cause (as they wer in the passing of this acte), and be able to prevaile and backe it with force, will they not say that they are still for Gods glorye, for the puritie of religion, and the libertye of the subjectes? So much are men blynded in ther privat concernments and passionnes.

The Parliament that mett (after the happy returne of Charles the Second) *anno* 1661, in Janwarye, was so sensible of the great error committed in that acte, evne in poynt of state, that they made no scruple to abrogate it root and braunche, as ane act that did opne a doore to seditione and tumults, and was a stepp for powerfull rebells to grippe the highest power. Yet ther wer severall members sitting in the Parliament, 1661, who had vòted to that acte, who now wer growne wyser by experience, scoolemaister to none of the wysest, who wer glade to gett the happinesse to vote doune much of that which, but twenty yeares befor, they had wrangled for against ther Prince with so great animositye.

To conclude this Parliament: In one worde, as the Covenanters gott a shaddow of lawe at the Assembly of Glasgow to chaunge the government of the [Church], and, after tacking upp armes against the Kinge, obtained the Kings consent to ther actinges at Glasgow, whilst they enacte them anew at Edinburgh Assembly, 1639; so it was by meanes of this Parliament, 1640, that they chaunged the government of the State with a colour of lawe; and albeit the King, at this tyme, looked upon ther

A. D. 1640. Parliament as treasonable and null, yet, after ther second tacking upp of armes and stepping into England, within a yeare or little mor, they gott all this and much mor twoched by the scepter in the Kings owne hande: But ther English neighbours (not ther strenth) wer the compulsorye causes therof, if not pourposly at least accidentallye.

Ruthven
keeps Edin-
burgh in
alarm. Invi-
tations and
assurances.

V. The Parliament sate not longe nor peacably; for generall Ruthven, from the castell, was still keeping the towne of Edinburgh in alarum and annoyance with his greate and small shott from the castell of Edinburgh. Therfor, both befor and in the tyme of the Parliament, the levyes wer going on apace with such expeditione, specially in the south pairtes of Scotland, that be the twentieth of July, ther was ane indifferent number of ane army formed and brought to a rendevouze in the Merse, wher they encamped in Chansleye woode, with fourty dayes provisione and all manner of ammunitiōne necessaire, as it had been appoynted by their comittye of state. Befor they came that lenth, it was concluded in ther cabinet *juncto*, that they should passe over the border and enter into England. This they durst not have attempted, but they had invitations and assurance from England, both of pay and welcome, as afterward appeared, yet conceald at that tyme; for England wer to use them as ther great ingyne to gett a Parliament and to suppress the monarchick power: as afterwards, God willing, will appeare in its owne place.

Scots publish
their Declara-
tion.

VI. Befor they marche for England, they thought it necessaire to publish ther Declaratione, and to shew the aeqwitye of ther expeditione into England,⁽¹⁾ much to the pourpose followinge:

First, (after a preface, wherin they shew that they have still been so rationall as that they are ready to give ane accounte of ther actions to alle who will aske them,) They shew us, that either they must goe to England and seeke peace, otherwayes they must sitt downe under threec most heavy burthens: First, They behoved to maintaine ther owne armyes upon ther borders, and other places exposed to daunger, which wold force them to disbande in ende, and leave their cuntry as a preye: Second, It wold hinder all sea trading and fishing: Third, It wold hinder the administratione of justice at home. That one of thes was hurtfull enouch, muche mor three of them together, as they have found already by experience; and such a lyfe, they say, is worse then deathe.

(1) ["Six Considerations of the Lawfulness of their Expedition into England manifested." Rushworth's Hist. Collect., vol. iii., pp. 1223—1227; Historia Motuum, pp. 534—542; Stevenson's Hist. of Ch. of Scot., vol. iii., pp. 902—906.]

Second, They bidd consider the nature of ther expeditione, which is only defensive. To prove this, they instance, First, That the King had begune the warre this yeare; had refoosed to ratifie the Assembly; had denyd hearing to ther comissioners; warre voted against them in the counsell of England; Northumberland named generall; Ireland had contributed; trade stopped; shippes intercepted; severall dayly both hurt and killed by the castell of Edinburgh: Second, They sought no mans hurt, if they were not sett upon; for they brought provisione with them: Third, When the King grauntes ther desyres and supplications, they will reteere, and laye downe armes. They instance the protestants taking upp armes against the King of Fraunce, misledde by the Guisian faction: this, they saye, the hottest royalistes acknowledge to be defensive warre. They tell that this expeditione is not disagreeable unto ther former remonstrances and declarations, but rather agreeable thertoo; that albeit their first Declaratione, sent this yeare into England, doe seeme to speacke against offensive armes, yet it shewes that, if they be invaded by sea and by lande, they must doe ther best to free themselves, as prisoners doe who are shutt upp in prisons. For if it bee lafull to a privatt man to free his house and familie unjustly blocked upp, then much mor it is lafull for them to free a whole natione from imprisonment be sea and be lande.

Third, Gods providence invited them to it, which had ever gwyded them. After ther prayers to God for direction, they founde God enclynning ther heartes that waye, as to that which wold tend to Gods glorye, *etcet.*, and that God had givne them zeale and helpe for that ende. The events that have fallne out concerning the Parliament of England this yeare, lycke ther oune sufferings, doe encouradge them. That all other meanes and supplications had failed, and were elided by ther enemyes; and they wer confident that ther coming to England, which ther enemyes were desyrouse of as a meanes to draw on a nationall warre, wold tend to a stricter union betuixt the two nations. That the stepps of Gods call to them might be observed. For, first, they had begune at the grosser dreggs of poprye, *viz.* the Service Book, *etcet.*; that now it was leading them to destroy the fountaine, *viz.* the diocaesan Episcopacye of Englande. That they were hopefull, when that was done, they should macke so happy a progresse that God should thrust the Beast and false prophett backe to Rome, if he did not free all the earthe from him. That this third reason flowd from the two former; for if this expeditione be necessaire and only

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N.B.

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A. D. 1640. undertackne for defence, it will follow necessarily, that they are called unto it by God, since ther necessaire defence is not only laufull, but commanded by divyne and naturall law, and they obleidged to it by Covenant.

Fourth, Ther expeditione, they saye, is not against the kyngdome of Englande, but against Canterburyes factione, made upp of papistes, atheistes, arminians, and prelatts, seducers of the King, and enemyes to both kingdomes. They hope England will not protecte these as Benjamin did wicked Gibeas, Judges xx. They wish they may be lycke the woman of Abel, who caused throw Shebas heade over the walls to Joab beseedging the cittye [2 Samuel xx.]; and for ther entertainment, they will expect it as from freends, since they come for Englands good. That they distaste Nabals carriadge to Davide in the wilderness, 1 Samuel xxv.; and the inhumanity of the people of Succoth and Peniele, who refoosed meate to Gideon, Judges viii. They shew that they will pay for all they gett; or if the Englishes will refoose to give them entertainment, they bidd them remember the Moabitts and Edomitts, who came not out to meet Israel with bread and water, Numbers xx. [Judges xi.], and stopped their passage, for which cryne their tenth generatione was forbidd to enter the congregation, Deuteronomy xxiii.

Fifth, They attest God, that they intende not to incroatche upon the Kings honor, nor to worong the English natione in any sort, who in ther distresse freed them from the French Guisian faction befor thes tymes: but only are seeking to have removed out of England the troublers of the kyngdomes peace, such as Coraths, Balaams, Doegs, Rabshakees, Hamans, Tobias, Sanballatts; and this being done, they declare that they shall be abundantlye satisfied.

Sixth, If God bless ther expeditione, they shew that heerby reformation, so oftn wished for in England, will be established as weall as in Scotland; and that the popish prelatts, anti-Chrysts limbs, and all humane traditions, will be banished for ever; no body will be calld sectary nor separatist any mor: ther will be one God, one worshipp, through all the island, glory to him, honour to the Kinge, rejoycinge to the kyngdoms, comfort to the posteritye, an example to all other Christian churches, both to praise and imitate, and confusione to all ther obstinate enemyes. Amen.

Declaration of the Council of War of the Scots camp. VII. The forsaid Declaratione was accompanyd with ane other manifesto, the which was entituled, " The Intentions of the Army of the Kingdome of Scotland. Declared to their Brethren of England. by the Commis-

sioners of the late Parliament, and by the Generall, Noblemen, Barons, and other Officers of the Army ;"⁽¹⁾ which spoke to the followinge purpose in many wordes: A. D. 1640.

First, They shew that it is most uswall with ignorance and malice for to censure and condemne actions undertackne with honest intentions for good endes, and governed by Gods finger and assisting hand ; that thinges which are most pleasing to God are displeasing to suche who desyre not the temple to be builded ; that such had been the lott of the church from the beginning ; that except men wold be as blynde as mules, they might see the lycke in the oppositione that ther actions mett withall in the worke of reformatione ; and that now they wold rail upon ther comming into England, as if they came thither for to enrich themselves with the spoyle of Englande under a pretext of religione : To prove the contrare of this calumney, they attest ther oune former Declarations, and ther readynesse to lay doune armes ; yet that such calunnies should not scare them from ther pourpose, and that they wold esteeme papists and prelatts, and ther party, as enemyes, who they were sure wished ther ruine : Yet for the good cittizens or countrey-men of England, they had mor reasone then ever to thinke them freendes ; because whilst the counsell of England had passed ther vote for a warre against them, and Ireland had contributed towards that warre, yet no threatens nor allurements in the late Parliament could move them to contribute against the Covenanters. That for to worong such freendes wer great ingratitude, which God wold punish. That in owning ther cause, they owed not the least thankes unto London, who stood not awe neether of court, nor ther enemyes resident ther.

That if all this wold not cleare them of their syncer intentions, Then they offer to give them ther solemne oathe, that they shall doe no violence nor injurye, nor fight with any, except they be persued by the popish pairtye ; to which attempts they hope no good men will be accessorye. That the aimes of both kyngdoms ought to bee purity of religione and liberty of the subject, which ther enemyes were seeking to undoe ; that they had now founde out a way to disapoynt ther enemyes [wish], which was [for] a sure waye to blocke them upp by sea and launde, that so they might compell them to rushe into England, and then to alarum England

(1) [Spalding, *Hist. of Troub.*, vol. i., pp. 241—247 ; Rushworth's *Hist. Collect.*, vol. iii., Appendix, pp. 283—291 ; *Historia Motuum*, pp. 542—558 ; Stevenson's *Hist of Ch. of Scot.*, vol. iii., pp. 906—914.]

A. D. 1649. with ther cominge, so to engadge both nations in a nationall quarrell, that both of them embrewd in blood, way might be made for rebuilding Rome. Yet, if men wer wyse, it might come to passe that ther enemyes plottes might be so farr defeated in this nicke of tyme, that they might be compelld to weare the chaines that they had forged for others; and the Scottes incomming to England might redownd to the destruction of thoise who had necesitated them to come ther. That in ther late Declarations they had made knowne to the full how they have been used since the pacificatione, evne farr worse then they could have expected from a native King; yet that ther sufferings of corruption in relligion had been many years befor they did supplicatte; also that ther liberty was destroyd, and nothing but the very foundation of ther relligione standing undestroyd; that when thereafter popery and Service Books wer obtruded upon them, they used only prayers, and teares, and supplications to the Kings Majestye, yet all rejected; and the corrupt service commended and obtruded by evill counsellers meanes, and they forbiddne to supplicate mor under paine of treasone: Wherupon they did resume ther nationall oathe, as being perswaded it was the breache therof that occasiond all ther evils: That thereafter, when the King for this tooke upp armes against them, they resolved, befor the English should mistacke them, to disband and restore the Kings fortes and castells, and to passe from ther former Assembly, and did referre all to the decisione of a new Assembly and Parliament. That they had carryd civilly, and without offence to the Kings Commissioner, in ther Assembly; yet ther Parliament was prorogated without law or reasone. That they had sent once and agane comissioners to London who gott no hearinge. That it was wonderfull with what zeale the archbishop of Canterburye, and deputy of Ireland, strove to inlarge the Kings greatnesse with the destructione of the liberty of the subjecte. Then they instance the imprisonment of Lowdon, spoyling ther shipps, and killing of women and children, about Edinburgh castell; wherein they say that Turkes could not be mor barbarouse. That in such extremes they saw it was to no purpose to send new comissioners or supplications. Yet they saw no reason to sitt downe under ther sufferings. That after long deliberatione, they had founde it necessarye for to macke ther desyres (which wer so much belyd and calumniated), knowne fully to the Englishe; and that they wer resolute for to procure to themselves a mor firme peace then the former peace was, together with the free exercise of ther relligione and libertyes; that

withall they wold have incendiars, who wer gone out from amongst them, to be sent baek to them againe; as for such incendiars as belonged to England, they did remitte them for punishment to the discretion of the highest judicatory of that natione, as it was ther intention for to have ther oune *browillions* censurd in Scotland. That they could not but admire Gods providence and his doing, when they calld to mynde how this reformatione was begunne and carryd on. Evne at such a tyme as the prelatts wer raised upp to ther greatest pouer and glorie, treading, as it wer, upon the state with one foote and upon the church with the other, having chiefe swaye in all judicatoryes, civill and ecclesiasticke, yet that evne then ther worke [did beginne. It] had been carried on from small beginninges, and hopelesse too, but upon a suddane evry body had owned it both with teares and acclamations of many thousands; which made them hopefull that better wold follow. And evne when they wer at a stande, ther enemyes plotts had proved overturs and directions to them, and the promovall of ther worke, and the undoing of ther enemyes. That they had levyd men, and had publicke meetings, for some yeares past, with lesse tumult then if the tymes had been peacable. That, after the pacification, to ther hurt, they had laid downe armes; yet ther enemyes malice was still, like the raging sea, drying them on to that which, by all appearance, God has appoynted against ther enemyes. That the honesty of ther intentions, and meanes for prosecuting ther endes, gave them assuraunce that God wold not forsacke them: That they did not deny but God sometymes wold and did macke use of wicked men as instruments, in whoise power he putts great events. Yet as this was a spurre to macke them seache their oune heartes, so it ought not to scarre his servaunts from prosecuting the worke of the Lord. Yet all this should not have justified ther comming into England, if they could have found a way for peace elsewher; which they must seeke wherver they can fynde it; which, how soone they can obtaine, they will macke it apparent to all, specially to England, by laying downe ther armes, that ther intentiones were none other for arming but only to defend themselves. That necessity had no law, and was above all law, and overruled by no lawe: And no greater necessity there could bee then that they should defend religion, the sowle; ther countrey, the body; ther lyves, who are the members; and the Kings honour, who is heade: All which are now endaingered; nor doe they know another waye to attaine to it then by prosecuting the publicke enemyes wher they may be founde:

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A. D. 1640. if ther be any other way, they desyre it to be shewed to them, and they promise to follow it. That it was not the questione, If they should plunder England to supply ther povertye? Or fall upon ther neighbor natione with crueltie? But it was now the questione, If they should sitte at home, in Scotland, till ther enemyes should be pleased to fall upon them and cutt their throates, and destroy religion, liberty, and ther countreye? Or if they should come into England and seeke for securitye, peace, and freedom? If, by acting, they should tacked course for the publicke safetye, or perish by lazienesse? And, in few wordes to summe up all, Whether they, who are not a few privatt men, but the body of a natione, who are caluminate mor baselye then ever Christians wer in the worst tymes, shall admite poperye and the Service Booke, and readmitte episcopacye, and renounce ther solemne vowes and covenant with God, and lose the fruit of all ther former labours, saddne ther friends and rejoyce and strenthne ther enemyes, and forgett all ther former slaverye, *etc.*, and desert the cause of the Sonne of God, which he has so much shewed himself for alreadye with a displayd banner, to his great dishonour, and thereby draw upon ther heades the punishment due to apostates? Whether they shoulde fold ther handes, [and] should expect the slavery of soule and bodye to themselves and posteritye? Or if they shall fight for ther libertye in that place wher they are sure it can only be founde, and follow God in treading that path which he has opned unto them, all other wayes being closed up from them? That ther enemyes, at first, had made a pretext of the Kings authoritye, as if it could not be safe if they fall, or as if it wer to wounde Majesty to accuse them. Yet they had lettne it be seen now that the diademe and mytre wer not so fast coupled, but that the one being struck downe the other could shyne with a brighter lustre and resplendence: And, therefor, since that could no more serve ther turn, they were betacking themselves to another subterfuge, whilst they strove to perswade the world that the Scottish ther coming into England to demaunde justice upon them was no other thing but to invade Englande; as if cutting off of vens or weales, or launcing of ulcers, wer to destroy all the bodye. That whatever ther enemyes forgd for to secure themselves, yet the Scottish wer not so madde as to fall upon all they first mett withall: That though it was true that the breach of the treatye, and ther usage since, (had England been guiltye therof,) wer cause of a nationall qwarell, yet since that the English Parliament had refoosed to grant a subsidy against them, and wer therfor prorogated

or dissolved, therfor they neither accuse the English natione, nor ought the English to fall upon them, who only did prosecute the too powerfull factione of papistes and prelattes: Therfor, they exhorte all who wish wealle to relligione and liberty, for to be aiding and asisting unto them; and they pray that ane heavy curse may befall all such as wish worse unto, or have lesse care of, the lawes and libertyes of ther neighbour natione than ther owne. As for the greivaunces of the Englishes, they confesse that the King promisd for to remedy them without a Parliament; but, they say, that publicke and generalle greivaunces can only be curd by Parliaments, howbeit privat mens greivaunces may be helped without a Parliament.

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Finally, As they attest God that they have no other designes, so they promise faithfully that they will not tacke so much from England unpaid for as a lathett or a roote of garlicke: And that they will not enter into ther countrey with any other but brotherly affections, ledd by the feeling of the evils that oppresse both nationes, and most willinge to doe for the reliefe of either, desyring the English to communicate ther counsells, and to concurre with them for thes endes. That when all ther owne is spent, they shall seeke nothing from the Englishes but upon good securitye of repayment, and this they hope will be graunted to them. And this being done, they are confident that the English, being repayed, shall sustaine no hurt by ther meanes; and for them, they hope that God will sett upp ther expence and losse to the full, since it is his cause that they are venturing for. They desyre that private souldiours ther miscarriages be not imputed to them, since they promise that they will use all meanes to restraine them, and punish them as severly as if it wer done against themselves. That, withall, they doe not thinke the papistes and prelatts and ther factione so poor, and such as doe receipt or hyde ther goodes, that they will refoose for to graunte necessary mantenance to ther armye, being very myndfull how, in former tymes, they perswaded the King for to gift them with the forfalties and escheatts of honest countreyemen, as if the prelaticall faction had been the only men who had deserved best of the King. That they shall seeke nothing from the King but that relligione and liberty may be secured aording to the actes of the late Generall Assembly and Parliament, and such other thinges as a just King owes to graunt to his oppressed subjects, both by the obligatiōe of divyne law and his countrey lawes. That they shall stay no longer in England then ther greivaunces may be heard in

A. D. 1640. plaine Parliament, and a remedy provyded for them, then that ther enemyes may be ther legally tryed, and the relligion and liberty of the Scottishe may be secured: this being done, they promise to retorne home in qwyett manner. And as for the fruite of this ther present expeditione, they hope it shall tende to the rooting out of poperye; and purging of the churche from prelaticall corruptions; and the propagation of the gospell: and a bounde of a lasting peace betuixt bothe kyngdomes against all traitors and incendiaryes: This they pray God humbly to graunt them.

Lastly, If ther be more adoe, they hope God will manifest it, and goe before both the nations; and who will grudge for to follow him, and submitt his necke to Gods yocke? Amen.

Observations.
Levies.
Committees.

VIII. The language of this Declaratione is indifferent plaine. It was not hard to all to know whom they meant by ther enemyes, and who were cheifly poynted at: And by what they promise heer, and exhort the Englishes too, and by ther desyre of a Parliament to England, it is easy to see that they wanted not invitations and encouragements to come into England: And the after relationes will macke it cleare what God opned the doore of England to them; as also that they had reason to promise to themselves that God would abundantly sett upp ther losses; which was afterwarde performed in the vote of ther brotherly assistaunce. Somewhat only they fell short of in ther promise; for the Englishes thought that, till severall yeares after, the Scottish did not pay all that they borrowd in England; and that, therfor, they had some reason, about 1650, and some yeares after, for to qwarter upon Scotland for ther deficiencie, in repayment of former debtes resting to England: And not a few are of that opinione, that befor the English reteerd, *anno* 1660, they had qwytted scores with the Scottes ingadgements and debttes to them.

The comittye and officers of the army wer no busyer in putting forth ther Remonstrance, as ane usher and harbinger to ther entrye to England, then the comittye of Parliament wer bestirring themselves in the improving of ther new power in setting forwards the levyes evry whaire: to which pourpose they erected comittyes in evry particular shyre, almost through all the kyngdome. These shyre comittyes wer constituted of the most active and zealous Covenanters evry wher: such things had been, materially, in the shyres in the former yeares; but at this tyme, and from this tyme forwards, they had a power putt upon them by such law as the Covenanters wer able to strenthne them by. These comittyes of the shyres

were *delegatj delegatorum*, a practice which law, both civill and canonicke, in many cases, for the most part abhorres; yet now they wer holdne formall eneuche. Usefull they wer surlye to ther endes; for by them valuations were devyded, and levyes of souldiours promoved; and they wer the watchmen of the shyre for to waite upon the motions of the anti-Covenanters; and informers against such as wer dissaffected to the cause, as they wer lyckewayes of the personall estates of private men, compelling such as were riche within ther respective praeinctes for to lend them such summes of money as they pleased to impose upon them. And not a few of them, under the shelter of that publicke employment, turnd oppressors of ther neighbours, by throwing on the burthen of ther owne proportions in valuations and publicke levyes, upon their neighbors, either in parte or in whole. In some partes they proceeded to that heght of tyranny, as to exeeme themselves wholly, and to lay on the valuations of ther owne revenwes, and ther proportions payable theroutof, upon such as they esteemed either enemyes or dissaffected unto ther cause; and this was holdne as good service done to the state. Also they tooke occasione oftne to revenge ther private qwarells upon suche of ther neighbours as they hated; not only by compelling them to lend to the publicke, whilst many richer went free, so that they had the repute of wealle affected men; but lyckewayes, not seldome did thes comittye men (who had the power of giving out quarters of souldiours in the shyres), overburthen ther enemyes by numerouse and long lying quarters; and failed not, when occasion could offer itselfe commodiously, for to cause plunder ther enemyes as oftne as armed parties wer upon ther marches near thes places where ther private enemyes dwellings or lands wer. By such actes as thes the comittyes of the shyres were hurtfull to ther enemyes, not only publicke but privat, and evne formidable to ther freendes; and evry comittye man was a petty tyrant, so that you wold have thought Scotland not parted amongst thirty tyrants, but amongst some hundreths of oppressors, and not a corner of the laund free.

Politicians observe, that it is better to be exposed to the irrationall oppressive actes of one tyrant then of many, seing that one man cannot, though he wold, nor dare not, oppresse so universally as a multitude; and therfor argue that monarchy, though degenerat into tyranny, is better then aristocracye. The kyngdome of Scotland, by sadd experience, found this observatione true in the tymes that the comittyes ruled; and too late begane to fynd out by experience what chaines they had been wreathing

A. D. 1640.

A. D. 1640. about ther owne neckes. Nor stooode it at comittyes; for thes new judicatories did proceed to create other things which they called subcomittyes, upon whom they devolved ther power, in pairt or in whole, as they pleased. It wer longsome to speak of their informalities, and tumultuare, and confusd, and factiouse, and oftne irrationall procedurs, and it may be little pleasing to, and lesse believed by the reader; to whom, once for all, lett it suffice in this place to have givne an accomt of these manifold generations of delegations begetting one another, as farr as to a fourth remove from a Parliament.

Captain Ar-
thur Forbes'
character.

IX. Thes comittyes could not be gottne sett upon foote vigorously at Aberdeen, till Munroe brought his regiment thither for a gwarde; of whom it is now tyme to give yow some account. For he, being come thither, and his regiment settled in ther quarters, spent not the tyme idly: Therfor one of his first actions was his publishing orders at all parosh churches within his divisione, reqwyring all concerned, against a day appoynted, for to muster at Aberdeen as many troopers, weall armed and mounted, as might macke upp ane sufficient horse troope, under paine of being reputed dissaffected to the good cause, and esteemed as enemyes. The proportions of the severall heritors was cast upp by the comittye of the shyre, who now beganne to say ther lesson as the graund comittye had taught them, and out doing them too; for they beganne from this tyme fordwads for to laye heavy burthens upon the anti-Covenanters shoulders, who wer glade to contribute as if freends, yet wer held as enemyes, and all ther obedience looked upon as compelld; wherin the comittye was not mistackne. In a shorte tyme, Monroe had ane horse troope mustered, and putt under the command of one Arthur Forbesse; who, though he wer none of the wysest nor best commanders, yet his father, Mr. John Forbesse, sometymes minister at Alford, his sufferinge banishment in King James the Sixths tyme for opposing Episcopacye, and his sonne Arthurs being seised upon at sea, *anno* 1639, and castne for some tyme into prisone, at Newgate, in Londone, by the Kings warrant, was sufficient recommendatione to preferre him; albeit the event wer not answerable. For he and his troope performed no service considerable, only they burthend the country for a tyme; and before summer was spent, having been ordered to waite upon Monroe in his expedition to Strabogy, without order the captaine and his troope fell to robbe the country, or rather to steale away a number of the Strabogy mens cowes, and other bestiall; which was so displeasing to Monroe (though

the comittye of the shyre wold have tackne it for good service), that Forbesse was putt out of credite by it, and his troope brockne and reduced; he and they having been nothing else but a laughing stocke for some tyme in the cuntry about.⁽¹⁾

X. The indignation that the Covenanters carryd to some of the Aberdeens men (whom they looked upon as the leading men of that cittye), was so very greate, and nothing abated by the dayly clamours against them of ther newly proselytted cocittizens, that the comittye of estates gave warrant to Munroe to seize upon the cheif men of the towne, and to carrye them prisoners to Edinburghe. They wer nine in number* who were laide hold upon, and carryd to Edinburghe, uuder sure gwarde; wher they laie for some space therafter under arrest, till either they worought ther freedom by moyen, or specially by payment of summes of money to the publike:⁽²⁾ for most of them who were seized upon wer reputed the richest citizens of Aberdeen.

A. D. 1640.

Indignation of the Covenanters against the Aberdeens men.

XI. And, because ther was none in the precinct neir Aberdeen who stood out but Sir Alexander Irvin of Drumme, who had garrisond his house of Drumme with men and ammunition sufficient to endure a siedege, therfor Munroes next worke was to reduce it to obedience. Thither he marched, June second, with his whole regiment, and commanded party of Aberdeens men (who, if they could have shunned it, had little mynde to the service). The castell of Drumme, not strong by nature, and scarcely fencible enuech at that tyme by arte, was at that tyme defended by a gentlman, one of Drumms freends, in the absence of Drumm himselfe, and held out but few dayes; for after the exchange of some few shottes of harqwebuses of crocke, and of feeld peeces and small shotte upon either syde, and with the losse of very few souldiours to Monroes, and of none to thes who wer within,

Munroe besieges the house of Drum.

June 2.

(1) [See Spalding, Hist. of Troub. vol. i., pp. 222—223.]

* Viz. Mr. Thomas Gray; George Jonston, baillie; William Petrye; George Morrison; George Cullen; Mr Alexander Reade. [According to Spalding, their names were Thomas Nicolson; George Johnstoun; George Morison; George Jamieson; George Gordon; Robert Forbes *alias* Dobrie; Mr Alexander Reid; David Rickart, and William Pettrie. Hist. of Troub., vol. i., p. 212.]

(2) [See Spalding, Hist. of Troub., vol. i., pp. 213, 268. "Thomas Nicolson was fyned in 2000 merks; George Johnstoun, 1000 pounds: Robert Forbes, 1000 pounds; David Rickart, 1000 merks; William Pettrie, 1000 merks; George Morison, 1000 merks; George Gordon, 1000 merks; George Jamieson by moyan wan free, and payed no fyne. Mr. Alexander Reid be means of the earle of Marr was translated to Strivling, there to remaine in waird whyle he payed 2000 merks, syne gott libertie."]

A. D. 1640. the castell was rendered to Munroe, and all the armes therin; and thes who wer within had leave to begone wher they pleased.⁽¹⁾

The house of Drumme was garrisond, and continowd a garrison till the peace, or very neer to the tyme of the King's comming to Scottland, being much defaced during that tyme, and the laundes about it roughly handled. But this was but the beginning of the sufferings of that loyall family, who to the very last wer either active or passive for the Kinge.

XII. Nor did the Covenanters enmitye confyue itselfe upon Drumm alone, but the minister of the place, Mr Johne Gregorye, must have a share in suffering. He was knowne to be of principalls opposite to the Covenantante; but ther was a worse indytment to lay to his charge: he was tackne notice of as a riche man (having been heire by his wyfe⁽²⁾) to a very consider-

Mr. John
Gregory's
sufferings.

(1) [“The second of June, the drum goes throw Aberdein, chargeing the haill inhabitants incontinent to bring to the tolbnith the haill spaiids, shoos, mattocks, mells, barrows, picks, gavellocks, and such like instruments within the town, meitt for undermyneing; whilk was shortly done. Thereafter, Monro took up ane new muster of his own souldiers, and of the town's men also, warned be touk of drum, in the links. He directes before him four pot peices, then goes to array, and takes about one hundred and fyftie of the bravest men of Aberdein, (sore against their wills,) and mixes in amongst his men. He caused carrie also the instruments for undermyning foresaid; and, upon the said second of June, began about ten hours at even to march towards the place of Drum, and encamps hard besyde. The laird was not at home, but his lady with some prettie men was within the house, whilk was weill furnished with ammunition and all provision necessar for defence of this strong house. How soon Monro and Marischall came within distance and shott of muskett, they shott as off the house two of Monro's men dead, whilk they beheld. Then Marischall and Monro direct frae the camp to the house ane summons, chargeing them to render and give over the house. Wherupon the lady craved some short space to be advysed, whilk was granted. After advyement she craved some time to advertise her husband, whilk was also granted, frae that night at evin being Wednesday about six hours at night, to the morne Thursday at six hours at evin. In the mean time of this parley, Marischall rydes frae the camp to Dunnottar. The lady, upon her own good considerations, within this time renders up the castle to Monro, (Marischall being absent,) and delivers him the keys, upon condition that her souldiers should go out with their armes, bag and baggage, saiffe and frie, and that herselfe, with her childrein and some servant women, should have their libertie to remaine within ane chamber of the place. Whilk conditions were granted, and Monro mans the castle, leaves ane commander with 40 souldiers to keep the samen, and to live upon the provision already provyded; and, when that was done to live upon the laird's rents, so long as they stayed ther; and the lady to send the laird in to Monro. Many marvelled that this strong weill provyded house should have been so soon rendered without shott of pott peice or any danger. Allwayes, Monro upon Friday the 5th of June leaves Drum, and returns back triumphantly to Aberdein, wher the earle Marischall mett him; and that samen night about 6 hours at even they heard sermon, and gave thanks to God for the intaking of this strong house with so little skaith. Their souldiers lay in the place, frae the foresaid 5th of June to the 5th of September nixt, upon the laird's great charges and expensis.” Spalding, *Hist. of Troub.*, vol. i., pp. 209, 210.]

(2) [Janet, daughter of David Anderson of Finzeach, commonly called, from his great skill in mechanicks, *Davie Do a' thing*. See *The Book of Bon-Accord*, pp. 279, 280.]

able estate, which fell to her by her father, a riche cittizen of Aberdeen). This was cryme enech; therfore he must be seized upon by Monroe, and [not] lett goe till he payd a round summe for a *quietus est*.⁽¹⁾ Yet all this was but the begining of that reverend divynes sufferings, who was knowne to all, and acknowledged by his enemyes, both pious and learned.

A. D. 1640.

XIII. About this tyme lyckewayes, after his returne from Drum, Monroe beganne to tacke course with other anti-Covenanters. Two gentlemen were aimed at and fyned by him; yet neither of them either the richest or the most opposite by ther actings. The one was Sir Alexander Cumming of Culter, who dwelt not farr from Drumm; a gentleman whose meanes and estate held no proportion with his old descent, which made him capable of far greater estate then any that he possessd. Yet he must compounde.⁽²⁾

Sir Alexander Cumming of Culter.

XIV. The other was Alexander Vdny of Ochter Ellon, a gentleman of ane harmelesse and innocent carriage: But both of them wer anti-Covenanters, and ther Covenanting neighbours, the Forbesses and Frasers, lycked them not, and informed against them, (as they did mostly against all who suffered at that tyme;) and therfor they must suffer.⁽³⁾

Udny of Ochterellon. Sir Alexander Irvine of Drum; Irvine of Fedderet; Sir John Gordon of Haddo. Mr. John Ross, minister at Birse; Constable of Dundee; Sir George Gordon of Gight, called Ardes-tye.

The laird Drumm, Sir Alexander Irvin, and his brother, Robert Irvin of Fedderett, and Sir Johne Gordon of Haddo, were carryd south prisoners to Edinburgh, and ther first imprisoned and then fyned. And Mr. Johne Rosse, minister at Birse, being looked upon as a riche man, and ane anti-Covenanter, was no better used, for he was lyckewayes fyned: yet this was but the beginning of his sufferings.⁽⁴⁾

Ther were two in Angusse who were not so weildy to be gonne as some

(1) ["Upon the second day of June, Mr. John Gregorie, minister at Drummoak, was brought in to Monro be ane pairtie of souldiers: he was taken out of his naked bed upon the night, and his house pitiefully plundered. He was closely kept in skipper Anderson's house, having five musketeirs watching him day and night, and sustained upon his own expensis. None, no not his own wife, could have privat conference with him, so straitly was he watched. At last, he is fyned to pay major-generall Monro 1000 merks for his out-standing against the covenant, and syne gatt libertie to goe: but in the generall assembly holden in July, he was nevertheless simpliciter deprived, because he would not subscribe the covenant; and when all was done, he is forced to yeild and come in and subscribe, as ye have hereafter." Spalding, Hist. of Troub., vol. i., pp. 208. 209.]

(2) ["The laird of Culter was fyned in 300 merks." Spalding, Hist. of Troub., vol. i., p. 213.]

(3) [The laird of Auchterellon was fined in a thousand merks. *Ibid.*]

(4) ["Monro leaves 700 souldiers quartered in Aberdeen, and he goes south himselfe, having in his company the lairds of Drum, Haddo, Fedderet, Hilltoun, and Mr. John Ross, minister at Brass. He presents them to the Tables at Edinburgh. They are all wairded in the tolbuith, and for their loyaltie to the King, are fyned, viz. the laird Drum 10,000

A. D. 1640. — others were ; ther age had arrested them, but could not secur them. That was The Constable of Dundee, and Sir George Gordone of Gight, elder, commonly called Ardestye. Thes wer made prisoners and carryd to Edinburgh. Sir George Gordon quickly thereafter dyed,⁽¹⁾ either through age, or greefe, or bothe together. He was popish to his professione ; that was eneuoh of indytment against him.

A mine sprung in the castle of Edinburgh ; and the breach stormed ; but the assailants repulsed.

XV. The Constable his sonne was one of thes who commanded in Edinburgh castell, under Ruthven, as I told befor : That made him suspected ; and he was a profest anti-Covenanter to boote. Yet this terrifyd not the castellans, nor a poulder myne sprung under the fore-bastione of the castell, called the Spurr, (since tackne away by the Englishes). It blew upp the north east syde therof, at least a pairt of that side, as muche as made a considerable breache for assailants to enter at ; but it proved uselesse, for Ruthven was advertished of the tyme that the myne was to be fyred. His intelligence was from an *incognito* ; the waye of advertishment was by a paper rolled about an arrow, and shott into the castell yarde. The arrow alighting was challengd by the centinell and tackne upp, and paper and all brought to the generall, who founde the intelligence trwe by the event, and taught his souldiours how to shunne the blow. But the myne once beinge sprunge, when collonell Blaire, with the Edinburgh infantrie, the beseidgers, offered to storme the breache, Ruthven repulsd them with slaughter and confusione, about twenty or thirty being killed of the beseidgers, and many fewer to the castellans. This was the first and last myne and storme that the beseiged did endure, till after that the castel was rendered ; of which in its owne place. In this *interim*, Argyll was playing *rex* in the Highlands ; yow have heard ane short account of his expeditions already. I returne to Monroe.

Munro returns to Aberdeen.

June 13.

XVI. By the thirteenth of June he was settled againe in Aberdeen ; and now falls to exacte another imposte of the citye. That behoved to bee no lesse then ten thousand pounds Scottish, with shoes, and other necessairs for his souldiours, to provyde them for a marche.⁽²⁾ Ther was little

merks, Fedderet 4000 merks, Haddo 2000 merks, Hiltoun by moyan wan frie, and Mr. John Ross 3000 merks ; but whether taken up or componed I cannot tell." Spalding, Hist. of Troub., vol. i., p. 214.]

(1) [On the seventeenth of November, 1640. *Id.*, vol. i., p. 268.]

(2) ["Major Munro upon the 13th of June, received from the town of Aberdeen 5000 pounds for their tents and twentyeths, to sustain his souldiers upon, and other 5000 pounds be virtue of the generall band, with 1200 pairs of shoes and 3000 ells of hardin to be his

trouble in exacting of this ; it was but aske and have, as long as it was in the cittyzens purses ; and the covenanting magistratts readily, in name of the citty of Aberdeen, yeelled to his demaundes, without asking the townes consent, who they knew durst not deneye.

XVII. Much about this tyme, George Lord Gordone having been directed to Scotland by his father, the Marquesse of Huntlye (who made his aboade at court all this whyle), for gathering upp some of his rents and revenwes, had come unexpected by the Covenanters by sea, and launded upon the coaste of The Einzie, a countrey belonging to his father, the Marquesse of Huntlye, and there made such hast and came such speed, that befor they could seize upon him, the Lord Gordon had shipped againe at Banfe, a sea towne within eight myles of The Æingie. To the towne of Banfe he came with a convey, and ther lay upon his gwarde till the shipp was ready to hoysse saile. Munroe was advertished of all his motiones by the townesmen of Banfe, mostly Covenanters ; but Gordon gott to sea, and by the favour of a prosperouse wynde, was quickly befor Aberdeen. Munroe, since he had missed him at laund, resolves to catche Gordoun at sea ; and to that ende seizes a townes vessell, and manns her with a commanded pairty of musketeers, who, though they did what they could for to fetcche the frigatt wher the Lord Gordon was, yet ther labour was lost, and Gordon gott cleare off to seawarde of the persewers, and, after few dayes, safe to England to his father Huntlye.

XVIII. Munroc was now looking towards Strabogye, which he resolved must be his summer qwarter for a whyle. Yet ere he goe thither, such as wer in his way, and knowne to be anti-Covenanters, they must beare him a lashe. Therefor, June twenty-seventh, a pairty of two hundreth of his men are directed to the house of Patricke Wrqwhar of Lethintye, which is scitwated within twelve myles of Aberdeen. Himself an anti-Covenanter (who spared never his invectives against the Covenanters, yet did them little other harme), fledd, but his house sowndly plundered ; and yow may be sure that his being sonne in law to the earle of Airlye, was no argument for to purchase him kyndnesse amongst the Covenanters. However, this was not the last hurt that himselfe and his house sustained. In

A. D. 1640.

George Lord Gordon lands on the coast of The Enzie.

Munro, on his way to Strathbogie, plundered the house of Urquhart of Lethenty, son-in-law to Airley ; Newton of Culsamond ; the Forbesses his directors.

June 27.

souldiers' shoes and shirts. Marischall, at this samen time, took up frae them also 40,000 pounds of fynes. Thus, is this noble burgh, but ane king, but any law, wracked in their persons, goods and gear, for their loyaltie to their king ; and all the rest of the burrows living in peace." Spalding, Hist. of Troub, vol. i., p. 214.

" At this same werey time that Argyle wes scourging the heighlanders, Colonell Robert

A. D. 1640. the way to Strabogye, laye Newtowne of Culsalmond, belonging to George Gordone, laird of the place. His house lyckewayes at this time was rifled (worse used afterwarde), it was suspected by the instigatione of Sir William Forbesse of Cragivarr, an active gentleman who stooode for the Covenante,⁽¹⁾ and Newtons enemy: If it wer so or not, I deter-

Monro was commandit north, with the tytle of Maior Generall, and with him a thousand footte; bot quhen he cam to Aberdeine, he was recruited with ane addition of 500 footte more, and tuo troupes of horse, commandit by Capitane Forbesse. His first exployt was the apprehend of 26 citicens of Aberdeine, that wold not subscriue the couenant; thesse he sent prissoners to Edinbrughe, wnder a gaurde, quher they wer all shutte wpe in closse prissone; then tooke he the housse of Drum, and sent the Laird therof, and his brother Robert, bothe prissoners to Edinbrughe. Therafter he tooke 15 or 16 barrons and gentlemen, that wold not subscriue the couenant, and sent them wnder sure guardes prissoners to Edinbrughe, to be taught by the committee of estaites to *speake ther auen cuntry language*. Monro mainteid his armye one thesse gentlemen's estaites; and for the superplus of the samen, he was comptaible to the committee of estaites at Edinbrughe." Balfour's Annales, vol. ii., p. 381.

In speaking of the "*auen cuntry language*" of these Aberdeenshire loyalists, Sir James Balfour alludes to the well-known Scottish adage, "He's an Aberdeen man, he'll tak his word again." Henderson's Scottish Proverbs, p. 119. Edinb. 1832. "I do not know the original of this Proverb," says Kelly, "the people of that city say, that we mistake it; that it had its rise from a Merchant in Dantzick, who having been never cheated by an Aberdeen's Man, said that he would take an Aberdeen's Man's Word again; but in the mean time, we may apply it to them who deny what they have said." Complete Collection of Scottish Proverbs, p. 151. Lond. 1751. There can be no doubt that the adage was designed to convey reproach; the records of the city show that, in the seventeenth century, a person was fined for quoting it: "2 June, 1606. Leyth, Donaldson, convict. The quhilk day, Malcome Leyth, mariner in Leyth, being accusit be David Cargill, deane of gild, for publict sklandering of this burght, with the nichtbouris and inhabitantis thairrof, vpon the peirheid and schoir of the same, this day, in calling thame dyouris, fals theiffis, they wer Aberdens men, they wald tak thair word agane: The said Malcome, compearand personallie, grantit and confessit that he vttered and spak the saidis wordis, alleging he spak thame nocht of malice, but in mowis: For quhilkis he wes convict and put in amerciaiment of court, and wes chargit to find caution to satisfie for the former wordis, according to the modification of the consall. According to the quhilk, William Leyth becom caution for the said Malcom to the effect forsaid, and he actit him to relieve his cautioner. Siclyk, Alexander Donaldson wes convict for giving ane cuff to the said Malcom Leyth." Aberdeen Council Register, vol. xlii., p. 742.]

(1) ["This gentleman, affected by the epidemical madness of the period, rashly engaged in the cause of the covenanters, and was for some time an active promoter of their measures; but from the violence of their proceedings, and their disregard to every sober principle, he foresaw what must be the consequence. Having withdrawn from their councils, he collected all the money he could and intended to have gone to the king; but the party, who kept a strict eye over all those who seemed to draw back, found means to strip him of his cash, for the public good; which was the pretext for all their oppressive measures. This so much affected Sir William that he died soon after, of a broken heart. I was happy to have an anecdote which does honour to the gentleman's memory, from so good an author as the late Sir Arthur Forbes, his great grandson, whose veracity no man ever doubted." F. Douglas' Description of the East Coast of Scotland, pp. 224, 225, *note*. Paisley, 1782.]

mine nothing certainlye. The little courtesye shewed to George Gordone of Newtone (who was, by his mother, a Forbesse, neerly related to some of the best of that surname,) was but of ane ill portent and significatione of any qwarter that most part of Huntlyes freendes might expect; for the Forbesses were the leading men of the committye, and for informatione and direction in thinges of this nature, that concerned the suppressing of the most dangerous anti-Covenanters, Monroe was to tacke it from them by the committye of estates order.

A. D. 1640.

XIX. Meane whyle ther is an order published for sequestring the Kings and the bishoppes rents for the use of the publicke. It was later praecteesed in the north then in the south; although the project by the committye of the estate equally concerned all the natione.

King's and
bishop rents
sequestered.

XX. The ministers must not be lesse active in the northe for to qwyett the church then Monroe was to settle the country. They had been bussy pressing the Covenant this yeare *de novo*, with the Assemblys explanatione; and now such ministers as refoosed it (wher the major pairt of the presbytrye wer Covenanters) must be exauctorated. One of the first who sufferd this waye was Mr. Johne Forbesse, minister at Achterlesse, in Aberdeens shyre, a bishoppes sonne,⁽¹⁾ and episcopall in his principalls: besyde this, he was hatefull to Mr. Thomas Mitchell, minister at Turreff, who now tooke his advantage, and turnes him out of his place. Yet did not all that, nor twentye yeares suffering, and lying out of his ministrye, afterwarde, under much hardshipp, ever compell him to comply in the least, or to receed from his principles: a man to whom his most bitter enemyes could object nothing but that he was non-Covenanter, otherwayes learnd, and remarkable for austerity of lyfe and pietye; a divyne who never did receede from his conscience, though pressed hard with *argumentum ab incommodo*.⁽²⁾ Mr. Thomas Mitchell, a popular man, who had chaingd with the tymes, to keepe him out tooke no rest till, by the asistance of such as then commanded all thinges, he had filled Mr. Johne Forbesse his place with another who wold be mor complying. That was one Mr. Walter Hempseede, who for some yeares had been Mr. Thomas his scoolemaster, whose entrye was

Mr. John For-
besse, minister
at Auchter-
lesse, turned
out; his op-
poser was
Mr. Thomas
Mitchell,
minister at
Turriff.

(1) [He was the third son of Alexander Forbes, (a descendant of the house of Ardmurdo,) who was bishop of Caithness from 1606 to 1615, and of Aberdeen from 1615 till his death on the fourteenth of December, 1617. Lumsden's Genealogy of the Family of Forbes, p. 45.]

(2) [The General Assembly which met at Edinburgh in 1645, issued an "ordinance to the Presbytery of Turreff, for excommunicating M. John Forbes, sometime Minister at Auchinles [Auchterles].” Records of the Kirk, p. 433.]

A. D. 1640.

so much opposed by the parishoners of Ouchterlesse, that Mr. Thomas Mitchell was faine to call for aide from *brachium seculare*; and to that ende had a pairtye of musketteers lent him, by whose asistaunce the doors of the parish church of Ochterlesse wer made patent, and the minister entred by violence, the parishoners not daring to whisper at it. Mr. Johne Forbesse houses and goodes wer made over to the intrant, and himselfe, for many yeares afterward, frustrate of all payment of his debenturs as incumbent ther: Yet, I cannot tell by what fatalitie, such as followd Mr. Johne Forbesse stayed ther but short tyme, that place having chaunged four ministers within lesse then nineteen yeares after Mr. Johne Forbesse was drivne out, three of them removed by deathe; yet perhaps not for that cause.

Mr. Alexander Innes, minister at Rothimay, turned out; succeeded by Mr. James Gordon, our Author.

July 1.

XXI. Murray wold not be behynde Aberdeen; therfor, such of the ministry as refoosed the Covenant must lyckwayes follow them; non mor levelled at then Mr. Alexander Inness, minister at Rothemaye. He was brother in law to Mr. John Maxwell, bishop of Rosse; that was enuech, but he refoosed to tacke the Covenant, and *anno* 1639, had gone to Berwieke to the King.⁽¹⁾ Therfor, July first, he was turnd out of his place, and in the following yeares exposd to many mor sufferings⁽²⁾; yet happier therin then Mr. John Forbess, that his church, the very next yeare, 1641, was

(1) [Spalding, Hist. of Troub., vol. i., p. 138.]

(2) [It appears from the register of the provincial synod of Murray, that, at a meeting of that court, at Elgin on the fourth of February, 1640, "Mr. Alexander Innes, minister at Rothimay being requyred to subscribe the Covenant, desyred tyme till the morne to give his resolut answere: quhilk wes grantit." What that answer was does not clearly appear: but it would seem not to have satisfied the synod, which, therefore, "vpone some urgent and weightie considerationes, appoynted a visitatione to be off the kirks of Rothimay, Abercheirder, and Inverkeithny, vpone Tuysday, Wednesday, and Thursday, the 25, 26, and 27 days of February instant." The following is the minute of the synod's proceedings at Rothimay: "At the visitatione of the kirk of Rothimay, according to the appoyntment of the lait synod, holden at the said kirk of Rothimay, the 25 day of February, 1640, be Mr. William Falconer, minister at Dyk, moderator of the assemblie, and the remanent brethren and elders assembled at the said visitatione for the tyme. Mr. Alexander Innes, minister at the said kirk of Rothimay, taught on the 3 chapter off the gospell of Luik, and 8 verse therof, it being his ordinarie text. . . . The minister being removed, the elders present ar desyred to hold up ther hands to God, and to sweare as they should answere to God at the gryt day, to declair the treuthe in ewerie thing that should be askit of them concerning ther minister; quhilk they did solemmlie sweare to doe but fead or favour. 1. Johne Fordyce, George Abirnethe, William Lemman, with the rest of the elders, being particularlie and severallie posit upone ther conscience quhat they knew anent ther ministers lyf and conversatione, answered, Nothing but guid, that he lived weill and preached weill. 2. Being posit if he preached ordinarie ewerie Sabbothe, answered, He did at sick tymes as they could convenientlie convene. 3. Being asked if he did cairfullie catechise his people, answered, He did. 4. Being asked if his familie wes weill governed, answered, It wes, for any thing they knew. 5. If he visits the

planted with another, whom himself had named, and to whose entree he gave his expresse consent; one who was willing for to observe to Mr. A. D. 1640.

seik, answered, He did, quhen he was desyred. Lastlie, They being asked in generall of his lyf and conversatioun, and if ther wer any thing wherof they wold have him to be admonished, answered, They knew no fault in his lyf and conversatioun.

"The minister, according to the reference of the lait provinciall assemblee at Elgine, the 4 of February, 1640, being desyred to give his ansner anent the subscriyving of the Covenant, answered, That, since the last Generall Assembly, holden at Edinburgh, Agust 22, 1639, he had given obedience to the constitutions of the kirk of Scotland, and wes willing to live as an obedient sonne of the said churche; but, for the Covenant, that he wes not yet fullie resolved to subscriyve the same; that yet he had some doubts to be resolved of, quhairin he wold conferr with Mr. William Falconer [minister at Dyke], Mr. Gavin Dunbar [minister at Alves], and Mr. Johne Annand [minister first at Dumbennan, afterwards at Inverness], in the afternoone; and therfor maist earnestlie desyred, that he might have tyme till the morne to giwe his resolute ansner at the visitatioun off the kirk of Abercheirdar.

"Being asked be the moderator. If, after the last assemblee, holden at Elgine, he had conversit with Mr. Johne Guthrie, sometyme bischop of Murray, now excommunicat, said, He did; that he was in Spynie with him thrie nights. Being asked, Why he came not home to his owne charge, answered, He was seik on Saturday, and therfor could not trawell. Being asked, Whome he heard preache that Sabbath, answered, He heard Mr. Johne Guthrie, lait bischop, preach in the cheppell of Spynie. Being accusit for venting some taunting and disdainfull speiches in Spynie, in derision of what had past at the said assemblee, denyed the same."

The record of the visitation of the kirk of Abercheirdar, on the 26th February bears, that "Mr. Alexander Innes being this day requyred *de novo* to give his resolut answer, answered, That he was not yet fullie resolved, and therfor requyred some longer tyme for resolutione. The brethren finding him to postpone them he delayes, yet being in some hoip to gaine him, or at least to mak him altogether inexcusable, after mature deliberatione, haive continewd any sentence against him to the next sub-synod, to be holden at Elgine the 5 of Marche."

He failed to attend that assembly, and "excused himself by his letter, by reasone of the grytnesse of the storme. He is ordained to compeir at the nixt sub-synod at Elgine, the 15 of Apryll, 1640."

On that day, Innes "compeired, and being asked quhat he now resolved to doe anent the subscriyving of the Covenant and Confession of Faythe, now received and professed within the kirk of Scotland, alleged he had yet the samen scruples and doubts quhilk he had befor, and wes not yet resolved to subscriyve the samen, and therfor requyred tyme to the nixt Generall Assemblee to be advysed of his doubts. The sub-synod, notwithstanding the certificat of the former acts, visitatioun of Abircheirdar, *sess. 2a*, that they may mak the said Mr. Alexander Innes the more inexcusable, after matur deliberatione, have remitted him back to his awne presbiterie of Strathbogie, to be dealt with be them, and to be proccess in caice he continew obstinat."

In the sub-synod of Murray, held at Forres on the third of June, 1640, "The moderator of the presbiterie of Strathbogie reported that Mr. Alexander Innes, minister at Rothimay, had done nothing anent the subscriyving of the Covenant and Confession of Faythe, but onlie requyred a tyme till the nixt Generall Assemblee, that frome the said Assemblee he may haive resolutione of his doubts, and some doubtosome expressiounes in the act of the Generall Assemblee, Edinburgh, Agust 22, 1639, prefixed to the Covenant, might be therein cleired, and thairfor is referred to this sub-synod. The said Mr. Alexander Innes compeired, and being asked quhat he wes now resolved to doe anent the subscripitione of the Covenant and Confession of Faythe, gave the same ansner that he had formerlie giwen to his awne presbiterie, requyring the same tyme as befor.

A. D. 1640. Alexander Innesse the common rule of aequitye of *quod tibi fieri non vis*; one who in the following yeares upon that selfe same very accompt that

“The said Mr. Alexander Innes being remowed, The sub-synod, after mature deliberation, continewes the pronouncing of any sentence against him till the next sub-synod to be holden at Elgine, 1 Julii, 1640.”

On that day Innes, although “thyrse called, compeired not. Quhairfoir, in regard of his obstinacie, he hawing declaired himself altogether refractar to the voyce and ordinances of the kirk, he hawing frequentlie conversit with excommunicat persones, both in preeching and prayer; the sub-synod also considering that he had gotten lang tyme to be advysed, and had many dyats fra tyme to tyme assigned him, in hoip to gain him; finding now that he is altogether averse from the present discipline established in the kirk of Scotland, and maist unwilling to subseryve the Covenant: Thairfoir, after mature deliberatione, the said sub-synod, all in one voyce, have *simpliciter* deprieved the said Mr. Alexander Innes frome his ministeriall functione, and declaires him uncapable off the said functione, or any pairt thairoff, and declaires his plaice vacant; and the said act of deprivatione ordained to be intimat in all the severall churches off the presbyterie.”


It appears that there was presented to the provincial assembly or synod of Murray, held at Forres, on the twenty-seventh of October, 1640, “ane earnest supplicatione frome the parochiniers of Rothimay, subservyng with a considerable number of the said parochine, in favors of Mr. Alexander Innes, their lait minister, earnestlie desyring that he might be re-poned againe to his owne place, to serve in Gods vyneyard among them.”

The record of the synod of Murray, held at Elgin on the fifth of October, 1641, bears that, “the repentance and acceptatione of Mr. Alexander Innes, lait minister at Rothimay, were referred to the presbiterie of Strathbogie.”

The registers of that court have not been accessible to the Editors. The extracts which follow are from the records of the synod of Murray. 5 April, 1642. “Anent the letter sent to the synod be Mr. Alexander Innes, lait minister at Rothimay, excusing his absence frome the assemblee, and humble desyring that he may be referred back to his owne presbiterie; and that any satisfactioun may be injoynd quhairby he may give contentment to the assemblee and them; as also macking mentione of ane letter writtyn frome the commissioners of the Generall Assemblee attending the Parliament, in his favors to the presbiterie of Strathbogie, and of ane supplicatione giwen in be him to them; and thairfoir humble desyring that, according to the discretione off the assemblee, they wold injoyne him what he sall doe for giwing contentment; promissing such full satisfactioun as his wit or abilities is able to performe: Thairfoir, the assemblee, taking the caise off the said Mr. Alexander Innes to their consideratione, have referred him back to his owne presbyterie, ordaining them to cause him preache a penitentiall sermone in the kirk off Rothimay, the brethren of the presbyterie, and the parochiniers of Rothimay, being present; and that they designe him ane week day to preache ane ither penitentiall sermone in the kirk of Elgine, quhair some of the uther presbyteries to be present upon advertisement, and the minister of Elgine to get tymouse notice heiroff, quhairby he may giwe dew advertisement to some off the uther presbyteries to keip the dyat.”

4 October, 1642. “Mr. Alexander Innes taught a penitentiall sermone upon the 14 Luc. v. 16. After incalling off the holy name of God, the moderator asked the brethren of the assemblee how they wer satisfied with him in that quhilk they had heard. All declaired themselves fullie satisfied with his doctrine, and praised God for him, wishing he had formerly beine of the mynd he now professed himself to be of. The said Mr. Alexander also promised faithfullie in *verbo sacerdotis* to stand to that whilk he had then delyvered, and to defend and maintaine the samen privatlie and publickly untill his lywes end. Quhairupon he is recommendit back to his owne presbyterie, and they desyred to doe him all the furtherance they can for his advancement to a plaice in Gods house, whow soone occasione may offer.”

The registers of the synod, from April 1644 to April 1646, have not been preserved. Among the unprinted acts of the Generall Assembly which met at Edinburgh in 1646, is an

 turnd out Mr. Alexander Inness, did runne the hazard oftner then once of beinge turnd out of that place, as weall as his predecesser had beene. A. D. 1640.

"Act ratifying M. Alex. Innes his deposition, with an Ordinance to the Presb. of Aberdeen to proceed further against him." Records of the Kirk, p. 454. He was accordingly excommunicated.

31 December, 1650. At a meeting at Elgin of "the commissione of the synod of Murray, appointed for visitation of the severall presbyteries of the province," "A supplicatione was given in be Mr. Alexander Innes, a deposed excommunicate minister, bearing ane humble confessione of the sinnes for quhilk he was sentenced, ane acknowledgement of the equitie of the kirks procedour against him, and humble supplicatinge the commissiounes concurrence for his releasement. The commissiounes being informed be the brethren of Strabogie that he hath frequentlie supplicated them to the same purpose, and that they find him greatlie humbled, under the sense of the grievousnes of his guilt, and sadnes of his sentence, did appoint Mr. William Falconer [at Moy and Dyke], William Clogie [at New Spynie], Joseph Brodie [at Forres], Thomas Law [at Elgin], ministers, and Patrick Campbell, ruling elder, to conferr with him apart, and to report.

"*Eodem die a meridie, sess. 2nda.* Mr. William Falconer, in name of the brethren appointed to conferr with Mr. Alexander Innes, reported, that after they had posed him particulare upon his severall transgressiounes for quhilk he was deposed and excommunicate, and also upon his judgement of the present government of the kirk of Scotland, they found satisfactioun aenit his judgement and humiliatione. The commissiounes, upon consideratioun heirof, did ordaine him to be recommended to the commissiounes of the kirk be letter, because be them he was sentenced."

7 May, 1656. At a meeting of the synod of Murray, "A petitione was presented be Mr. George Hannay, sometyme minister at Alves, humble supplicating that in regard the Generall Assemblie hath not now the freedome of her meittings, the synod would, in consideratione of his conditione, haveing stood these nyne yeares and above, deposed from the ministeriall office, open his mouth again to exercise his gift in publict preaching. The lik petitione was presented be Mr. Richard Meitland, and another be Mr. Alexander Innes, to that same purpose, they being in that same conditione. All being read, and they removed, the synode did appoint a committee to heare themselves, and tak inspectione of their procedour in order to their satisfactioun, according to the order prescribed be the Generall Assemblie aenit the satisfactioun of deposed ministers."

16 July, 1656. "A supplicatione was read, given in be Mr. Alexander Innes, sometyme minister at Rothemay, humble supplicatinge the synode to open his mouth again to preach the Gospell: But because he had no instructiounes in writte to cleare the processe of his relaxatione from excommunicatione, under which sentence he did ly for a tyme, for his actuall joyneing in armes with the enemies of this kirk and kingdome, his supplicatione was put back till he cleare the foresaid processe."

6 April, 1657. "The synode, aenit Mr. Alexander Innes, lait minister at Rothemay, his supplicatione for opening his mouth to preach the Gospell, finding, upon grave considerations, that it was not convenient at this tyme to answer the same, did referr him therwith to the next synode, or to the Generall Assemblie, if their sall occurr one betwixt and the next synode."

6 October, 1657. "The synode taking to consideratione the supplicatione of Mr. Alexander Innes, late minister at Rothemay (referred be the last synode to this), did recommend him to the presbyterie of Strabogie, to heare him in foure sermones before their presbyterie, in the kirk where they sall meitt for the tyme, that so he may have occasione the further to evidence his repentance for his grosse fall; and if they receive not satisfactioun in the first sermon, that they proceed no further; bot if they be satisfied with the first, that they proceed to heare him the rest of the days to the number of foure, and mak report of all to the next synode."

6 April, 1658. "After incalling the name of God, Mr. Alexander Innes entered his sup-

A. D. 1640.

Death of Dr.
William For-
bes: Dr. Wil-
liam Gordon:

XXII. Who will be pleased to take notice of the greate devastatione that befell Aberdeen in thes tymes by the extinguishing of ther lights of

plication, beareing a humble acknowledgment of his deepe guilt, for which he was justlie deposed from the calling of the ministerie, and petitioning the opening of his mouth to preach the Gospell. He, moreover, exhibited an extract of an act of the presbytery of Strathbogie, beareing date at Botarie, 31 *Martij*, 1658, properting that the said day, the said Mr. Alexander had preached on Jude twenty-three, in which sermon, as in his former two sermons he had preached before the said presbyterie by appointment of the synode, he had given satisfactiōe to, and was approven in, by all the brethren, and recommended to this present assemblee. The said Mr. Alexander being removed, the assemblee ordained the answer to his supplicatiōe to be delayed untill the next assemblee, and that a letter from this assemblee be directed to the presbyterie of Edinburgh, for advise in this matter, which letter is to be drawn up by the moderator, Mr. Murdo M'Kenzie [minister at Elgin], Mr. Robert Tod [minister at Rothes], Mr. Harrie Forbes [minister at Auldearn], and the Lord Brodie, in which is to be inclosed a double of the act of the said Mr. Alexander his deposition, and to propert the humble manner of his frequent addresses, with the humble confessions of his grievous guilt, and the justnesse of the sentence of his deposition. Mr. Alexander being called in, the appointment of the assemblee was reported to him, whereunto he humbly submitted."

4 October, 1659. "Mr. Alexander Innes, sometime minister at Rothiemay, entred his supplication, humbly acknowledging his great guilt, as sundrey tymes he had done formerly befor the synod, and petitioning that his mouth may be opened to preach the Gospell: In consideration wherof, report was made, that according to the appointment of the synode, in Apryl, 1658, Mr. William Falconer, then moderator, had written to the presbyterie of Edinburgh, for advise anent the said Mr. Alexander Innes his addresses to the synode, and concerning his frequent petitioning for libertie to preach the Gospell, and had receaved ane answer, under the hand of Mr. George Hutcheson, moderator of the said presbyterie, which being exhibited and read in the assemblee, it was ordained to be insert in the synod book, the tenor wherof followeth:

"Reverend and weilbeloved brother, haueing receaved your letter craveing our advice what shall be the carriage of your synod toward that man, who, after so sad and foul relapses, craves to have his mouth opened, and haueing once and againe considered upon the matter, Wee doe conceive that it is not expedient to grant such a desire, which wee apprehend is (on just grounds), liable to so manie exceptions. Nor doe wee apprehend anie necessitie of granting therof in reference to the end proposed by the supplicant, seeing there are manie other means wherby to testifie the truth of his repentance to the edification of others. Wee shall not trouble you with adding anie reasons of this our advice, perceiving by your letter, and state of the case propounded therein, that yourselves doe ponder the most of them. And therfor recommending you and the Lords work in your hands to his blessing, wee rest your loving brethren in the Lord, the presbyterie of Edinburgh, and in our name,

"GEORGE HUTCHESON, moderator *pro tempore*.

"Edinburgh, July 28, 1658."

"Direct, For our Reverend and weilbeloved brother Mr. William Falconer Minister at Dyke."

"The said letter being throwlie considered, and after some time spent upon debatinge the matter, the synode ordaines that another letter like unto the former be drawn up by the moderator, beareing the particulars mentioned in the former letter, and enquireing the reverend presbyterie of Edinburgh, whither they meant in ther letter, which is above written, that Mr. Alexander Innes, in respect of his former guilt and sad relaps therein, should be declared utterly incapable of having his mouth ever opened to preach the Gospell, and that the said letter be read in the assemblee befor the dissolving therof, and being approven by the synode, may be signed and sent to the said presbyterie of Edinburgh, with the first conveniencie."

learning, wold thinke that the tyme was approaching that darknesse and ignorance should tacke upp ther possessione ther. Dr. William Forbesse ther minister, that most learnd and pious divyne, was gone to Edinburgh, and deade ther :⁽¹⁾ Dr. William Gordon, professor of medicine, deade this yeare in the spring :⁽²⁾ Dr. Alexander Rosse, one of the ministers of the towne, deade lyckwayes about this tyme.⁽³⁾ Thes wer followed by Dr. William Johnstone, professor of the mathematicke in The Colledge Marischall of New Aberdene, a gentlman who, in his younger yeares, had been bredd in Spaine, and professed philosophy in the chaire of Nemaus in France, weall seen both in the mathematickes and medicine. He dyed

A. D. 1640.

Dr. Alexander Ross ;
Dr. William Johnston, professor of mathematics in The Marischal College.

"3 April, 1660. Thair was ane humble supplicatione, presentted to the assemblie be Mr. Alexander Innes, depoyised minister, beseeching the assemblie to open his mouth as ane expectant. The said Alexander Innes being removed ; after much debaitt and serious consideratione of the supplicant his long deserved continuance vnder the sadd sentence of depositione, and his addresses from synod to synod for many years, wherin he gave reall evidence of much sence of his gross faults, and sorrow for the same, haveing also exhibit testimonials of his humble and Christian carriage from the presbytery wher he has resided these dyverse years bygone, in consideratione quherof, and of his present bodilie infirmities through old age, and his werie earnest desyre to have his mouth opened for glorifieing of God, as he shall have a lawfull call, the synod, by a woitt, have granted the opening of his mouth to preach the Gospell as ane expectant, and appoynts the extract of this act to be given him."]

(1) [On the twelfth of April, 1634. He died suddenly, says Spalding, "after takeing of some physick, sitting in his own chair : a matchless man of learning, languages, utterance, and delivery, ane peerless preacher, of ane grave and godly conversation, being about the age of forty-four yeirs." Hist. of Troub. vol. i., p. 24.]

(2) [On the tenth of March, 1640.]

(3) On the eleventh of August, 1639. Dr. Rosse was the son of James Rosse, minister at Strachan in the Mearns, afterwards in the parish church of St. Nicholas in Aberdeen. He himself was, in 1631, translated from the parochial cure of Insch, in The Garioch, to the chapel of St. Clement, in Futtie, near Aberdeen ; and was, in 1636, preferred to St. Nicholas' Church in Aberdeen. He was, says Spalding, a "learned divyoe, weill beloved of his flock and people whyle he was on life, and after he was dead, heavily regraited." Hist. of Troub., vol. i., p. 167. He is the author of "A Consolatorie Sermon, Preached vpon the death of the R. R. Father in God, Patricke Forbes, Late Bishop of Aberdene; By Alexander Rosse, Doctor of Divinitie, and minister of the Evangell in Aberdene, in Saynet Nicolas Church there, Anno 1635. the xv. of Aprill," printed in Bishop Forbes' Funeralls, pp. 149—178. He has been confounded with another divine of the same name, Alexander Ross, chaplain in ordinary to King Charles the First, and master of the free school of Southampton, a voluminous writer, who is now perhaps most generally known from the lines of Butler :

"There was an ancient sage philosopher
That had read Alexander Ross over,
And swore the world, as he cou'd prove,
Was made of fighting and of love."

Hudibras, part i., cant. ii., v. 1—4.

A. D. 1640.

June 14.

June fourteenth, before the sixtieth⁽¹⁾ yeare of his age, suffocate with a squinance, a disease to which he was much subjecte, being a corpulent man, and a sanguinean: he was tackne awaye to the greate greefe of his freends and acqwayntance.⁽²⁾ In *anno* 1639, lyckwayes, Dr. Barron, the learnd professor of divinitye in Marishall Colledge, and minister of the towne, had dyed at Bervicke; and the rest of thes learned divynes who outlived ther colleagwes, wer, this yeare, 1640, within few weekes after the death of Dr. William Johnstone, drivne out of ther stations by the Generall Assembly that satte downe in Aberdeen, July twenty-eighth, of which mor in its own place; so that before harvest, 1640, all ther great luminaries of learning wer eclipsed or clowded.

Munro
marches to
Strathbogy.
July 5.

XXIII. Monroe, meanewhyle, having reduced all the countrey about Aberdeen, marches fordwads, July fifth, to Straboggie, the cheife residence of the Marquesse of Huntly; and, being come thither, he lyes downe, with all his regiment, hard by Huntlyes castell, in a stronge grownde, wher the two rivers of Doverne and Boggy meete, not half a quarter of a myle from Straboggie (or Huntlye) castell. The house

(1) [Dr. William Johnston was little more than fifty years of age at his death. His elder brother was born in 1587.]

(2) [Dr. William Johnston, the younger brother of the better known Dr. Arthur Johnston, was the sixth and youngest son of George Johnston of That Ilk, by his wife, Christian, daughter of William, seventh Lord Forbes. "He taught philosophy at the University of Sedan, in Germany, and from thence, returning to his native country, was, anno 1626, appointed the first Professor of Mathematics in the University of Marischal College, Aberdeen, which chair he occupied until his death....He gave, anno 1632, to the Magistrates of Aberdeen, 1000 merks Scots as a fund for the benefit of the poor. He also made presents of books to the library of Marischal College." *Genealogical Account of the Family of Johnston*, pp. 38, 39. Edin. 1852. 4to. It has been said that "he wrote on the Mathematics: his skill in the Latine was treuly Ciceronian." *Maidment's Catalogues of Scottish Writers*, p. 114. He appears among the contributors to Bishop Forbes Funerals (pp. 346, 347); and panegyricall Latin verses by him are prefixed to Dr. Baron's Tetragonismum Pseudographum, Aberd. 1631, and to other works. He was, says Sir Thomas Urquhart, "a good poet in Latine, and a good mathematician acknowledged to be such (which was none of his meanest praises) by Master Robert Gordon of Straloch, one of the ablest men of Scotland in the mathematical faculties." Sir Thomas Urquhart's Tracts, p. 125. Edin. 1774. "Quantum uterque Johnstonus, ejusdem uteri, ejusdem artis fratres, magnum gentis, maximum suæ Ampliss. familiæ decus, Mathesi profunda, quantum Poësi, & in pangendis carminibus valeant, novistis. ARTHURUS, Medicus Regius, & divinus Poëta Elegiæ & Epigrammatis, quibus non solum suæ ætatis homines superat, verum antiquissimos quoque æquat: GULIELMUS rei Herbariæ, & Mathematicum (quorum Professor meritisimus est) gloria chit. De Gulielmo certè idem usurpare possumus, quod olim de Tito Imperat. suavissimo dictum est, *Delicia est humani generis*; tanta est ejus comitas, tanta urbanitas." A. Strachani Panegyricus Inavgvralis, p. 22. See Dr. Irving's *Lives of Scottish Writers*, vol. ii., pp. 39, 40.]

was made patent to him, and all the keyes delyvered ; yet, by his civilitye, was preserved from being rifled or defaced, except some emblems and imagerye, which looked somewhat popish and superstitious lycke ; and therfor, by the industry of one captain James Wallace (one of Monroes foote captaines), wer bewd and brocke downe off the frontispiece of the house ;⁽¹⁾ but all the rest of the frontispiece, containing Huntlys scutcheon, *etc.*, was left untwoched, as it standes to this daye. The course that Monroe tooke to lodge his souldiours, was by cutting down the woods, or rather bushes of trees, next adjacent to the castell, which he caused his souldiours build upp in hutts and lodges, not permitting his men to qwarter in the countrey ; and then, for ther maintenance, he seized upon the Lord Huntlyes girnell at that castell, parting the meall therof amongst his souldiours, till it was spent.⁽²⁾ Yet with great difficultye could he restraine them from breacking out and comitting insolencies in the countrey, howbeit not considerable ; and he was not wanting to punish such as wer thus guiltye.

A. D. 1640.

XXIV. Monroe had not so great trouble to protecte the countrey from his souldiours plunderings, as for to keepe them from mutiny ; for he had not staid ther many weekes till all his souldiours rose in a generall mutinye, and did beate drumms and tacke armes. Yet Monroe and his officers wer so vigilant, that upon the first alarum, himself running wher he saw the sturte greatest, and runing the first mutineer that he mett withall through the body with a long sworde, the rest of the mutinneers wer quickly settled, and by terror reduced to order againe. The reason of ther mutine I could never ceertainly learne.⁽³⁾

Munro's men
mutiny at
Strathbogie ;
cattle driven
away ; brought
back by a
party and re-
deemed.

(1) [The General Assembly which met at Edinburgh in 1647, appointed "some Brethren to visit the Idolatrous Monuments brought from the late Marques of Huntlies house." Records of the Kirk, p. 482.]

(2) ["Coming after this manner to Strathbogie, the first thing they entered to do was hewing down the pleasant planting about Strathbogie, to be huts for the souldiers to slep within upon the night ; wherby the haill camp was well provyded of huts to the destroying of goodly countrie policie. The marquess of Huntly being absent himselfe in England, Marischall sends to his gooddame's sister, the lady marchioness of Huntly, to render the keyes of Strathbogie, (herself dwelling in the Bog) ; whilk she willingly obeyed. Then they fell to and meddled with the meall girnells, whereof there was store within that place, took in the office houses, began shortly to baik, and brew, and make ready good cheir ; and, when they wanted, took in beiff, mutton, hen, capon, and such like, out of Glenfiddich and Auchindoun, wher the countrie people had transported their bestiall and store, of purpose, out of the way, from the bounds of Strathbogie." Spalding, Hist. of Troub., vol. i., p. 222.]

(3) ["Thus he spalziez and plundred up all, and kepted the moneyes fast, not paying his

A. D. 1640.

Att his coming to Strabogy, vpon the newes of his approache, the most pairt of all the countrey people (except such as wer very poore) fledde to the hills, dryving ther cattelle and bestiall befor them, leaving ther houses patent, and ther cornes to his mercye. Monroe getting aduertishment heerof, perswes the bestiall, without tacking notice of the owners; and fynding all the countreymens cowes keeping neer together, neer Achndowne castelle, some six myles bewest of Strabogy castell, he drove them all⁽¹⁾ befor him unto his qwarter, by the helpe of a commanded pairty; the headlesse and discouraged countreymen not once offering to dispute him, or for to rescwe ther cowes. This pryse compelld the countreymen, man after man, for to come in and macke ther agreement, evry man paying for the redemptione of his cowes a peece of money,⁽²⁾ which in all might be a considerable summe, though not much to evry mans share. Such as wer popishe amongst them, wer most roughly used, and strictly looked too, and fyned more rigorously then the rest; and all of them he tooke securitee of for ther peaceable carriadge. This is the summe of his actings ther; otherwayes, no mans blood was spilt; and except at ther first coming to the countrey wher the souldiours founde opne houses which they rifled, without order, he did lye peaceably in the country; so that befor he left them in harvest, the countreymen and souldiours wer growne acqwaynted, and peaceable neighbours one to aneother.⁽³⁾

souldiers, as became him, they living only upon meat and drink without wages, whilk bred a murmuring amongst themselves; but Monro quickly pacified the same by killing of the principal murmurers, and ane seditious persone, with ane sword in his own hand; wherat the rest became affrayed." Spalding, *Hist. of Troub.*, vol. i., p. 228.]

(1) [To the number, according to Spalding, of "above 2500 head of horse, meirs, nolt, and kyne, with great number of sheep." *Hist. of Troub.*, vol. i., p. 223.]

(2) According to Spalding "13s. 4d. the sheep, and ane dollar the nolt." *Hist. of Troub.*, vol. i., p. 223. "Monro . . . with all hostility plundered the Marques of Huntlies landes, tooke the castle of Strathbolgie, and putt a garisone on it. He tooke offe Huntlies landes tuo thousand horse and catle, forby maney thousandes of sheepe, and therof kept ane open market at Strathbolgie, and solide them backe to ther owners at 54 sh. Scottes the peice." Balfour's *Annales*, vol. ii., p. 382.]

(3) ["The marquess with his three sons being absent, out of the countrie, and havinge no head nor captain left amongst his kine and freinds, they at last resolve to yeild and let this storme pass; so both barrons, and gentlemen, and others able for service come in and undertake service. . . . Such as were unable were plundered be the purse, and forced to furnish out able men; but neither work horse nor saddle horse was left about Strathbolgie, but either the master was forced to buy his own horses, or then let them go for servinge of the army. Their muskets, hagbutts, swords, pikes, pistols, and like armour, pitifully plundered frae them, wherever Monro or his souldiers could apprehend or gett tryal of them. He also plundered the ground, barron, gentlemen, hird, and hyrenian, be the purse, be ex-

XXV. Befor Monroe marched from Strabogye, he drew out a commanded pairtye, with some feeld peeces, and marches for Murrey, towards the castell of Spynye, which the committye of Murrey advertished him was fortifyd, and kept out, by Mr. John Guthrye, bishopp of Murrey. In his way thitherward, he was mett by Mr. Joseph Brodye, minister of Keithe, (sonne in law to the bishopp). This Mr. Joseph had been lately proselyted unto the Covenant,⁽¹⁾ seing it lycke to prosper; and by his meanes, who did mediate betuixt Monroe and his father in law the bishopp, the castell of Spyny was rendred upp to Monroe at his coming thither;⁽²⁾ who, taking the bishopp obleidged to appeare at a day appoynted, after a short stay ther, having disarmd the house, and putt it in the custodye of the Covenantaner comission of Elgync, returned backe to Strabogye, wher he laye

A. D. 1640.

Marches to
Spynie; castle
surrendered:
moves to
Bantf.

action of heavy fines, according their power. This was his carriage at Strathbogie. ... They left that countrie almost manless, moneyless, horseless, and armeless, so pitiefully was the same borne down and subdued, but any mein of resistance. The people swear, and subscribed the covenant most obediently. And now Monro leaves them thus pitiefully opprest." Spalding, Hist. of Troub., vol. i., pp. 223, 224, 236.]

(1) [He was one of the two commissioners from the presbytery of Strathbogie, who refused to sit in the Glasgow Assembly of 1638, after the King's Commissioner had commanded it to dissolve itself. See above, vol. ii., pp. 5—7.]

(2) ["Monro now resolves to goe to see the bishop and the house of Spynnie. He takes 300 musketeers with him, with puttaris and peices of ordinance, with all other things necessar, and leaves the rest of his regiment behind him, lying at Strathbogie, abydeing his returne. By the way, sundrie barrons and gentlemen of the countrie mett him, and conveyed him to Spynnie. The bishop of Murray, (by expectation of many) comes furth of the place, and spake with Munro, and presently but more adoe upon Thursday the 16th of July renders the house, weill furnished with meat and munition. He delivers the keys to Monro, who, with some souldiers, enters the house, and received good entertainment. Therafter Monro medles with the haille armes within the place, plundered the bishop's ryding horse, saddell and brydell; but did no more injurie, nor used plundering of any other thing within or without the house. He removed all except the bishop and his wife, some bairnes, and servants, whom he suffered to remaine under the guard of ane captain, lieutenant, ane serjeant, and 24 musketeers, whom he ordered to keep that house, whyle farder order came frae the Tables, and to live upon the rents of the bishoprick, and on no wayes to trouble the bishop's household provision, nor be burdenable unto him. But the bishop used the three commanders most kindly, eating at his own table, and the souldiers were sustained according to direction forsaidd.

"Monro having thus gotten in this strong strength by his expectation, with so little paines, whilk was neither for scant nor want given over, he returns back againe to Strathbogie tryumphantly, beginning wher he left, to plunder horse and armour, and to fyne every gentleman, yeoman, hird, and hyreman that had any money, without respect; and whilk obediently without a show of resistance was done and payed, besydes their tenths and twentieths which they were lyable in payment to the commissioners, as occasion offered." Spalding, Hist. of Troub., vol. i., p. 228.]

A. D. 1640. stille constantly in his qwarter till the tenth of August, which was the daye of Monroes removall to Banfe.⁽¹⁾

Queen
brought to bed
of Prince
Henry.

XXVI. Whilst thes thinges were adoin in the north of Scotland, the Queen at Londone was brought to bedd, July eighth, of a third sonne, who was baptised Henrye, and had the title of Duche of Glocester given to him by the King his father, about the tyme of his christeuing. His birth had detained the King at Londone, sometyme after his army was marched northwards; but, howsoone the Qween was in the way of recovery, the King tooke his journey towards Yorke (August tenth), to his armye, the which was the very day that Monroe marched from Straboggy towards Banfe.

General As-
sembly at
Aberdeen.
Grayfriar
church pre-
pared: guard.
Preceding
moderator
preaches; Mr.
Andrew Ram-
say chosen
moderator.

XXVII. Befor Monroe left Straboggye, the tyme appoynted for the Generall Assembly to sitt at Aberdeen was drawing neer. Nor did it faile to meete upon that day which was designed for its sessione, which was the last Tewsday of July, and the twenty-eighth daye of the moneth, this yeare 1640. Monroe had cleared the qwarter from all suspitione of disturbance that they could feare, and was lying off ready at ther call.⁽²⁾ The ministers and ruling elders of the southerne pairtes of Scotland came almost together in a triumphant manner, with no small joye to fynde themselves in a capacitey for to give lawes, and exercise ther power over thiose who had bredd them mor trouble then all Scotland besyde. The worke was dar- ingly begunne at Glasgow and resolutly carryd on; it was promoved a stepp forwardis at Edinburgh, Assembly 1639; ther wanted nothing of a full conquest but ther coming unto Aberdeene, and subjugating the remnant of the rebells. Yet did they macke shorter stay ther, by mor then halfe the tyme, then at Edinburgh; and all ther actings in that Assembly are sup-

(1) ["Munday the 10th of August.....Monro lifts his camp frae Strathbogie, sends back the hail keyes to the lady marchioness, but doeing any offence or deid of wrong to that staitly pallace; but they amongst the rest, took up meikle bleitcheid cloath in whole webbs bleitching up and down Strathbogie ground, wherof ther uses yeirly ther to be plentie, and would hang over the walls of the place hail webbs (pittie to behold!) to dry, to the great hurt of the poor countrie people. Monro had lyen ther or his army frae the 9th of July to this tenth of August, when they flitted their camp. They sett all their lodges in fyre, they toomed out what was left unspent within the girnells, they carried with them some men, moneyes, horse, and armes, destroyed the bestiall, and left nothing behind them which might be carried." Spalding, Hist. of Troub., vol. i., p. 236.]

(2) [On the day before the Assembly sat down, "the earle Marischall with about 300 horse, came into Aberdeen. Collonell Alexander master of Forbes came likeways in with his regiment." Spalding, Hist. of Troub., vol. i., p. 232.]

pressed and kept upp in the wrytte register, none being printed, but only some few of the most inconsiderable actes scarcely worth the reading.⁽¹⁾ A. D. 1640.

Some dayes befor ther comming, Patrick Lesly, provost of Aberdeene at that tyme, one of the Covenanters factione, had caused prepare the Gray-freere church of New Aberdeene with seates, after the forme of a theater, for accomodation of the Assembly; which was done upon the towns charges, in so prodigall a forme, as ther was accomodation eneuhe (the church being large of itselſe) for five or six tymes as many as wer apoynted to sitte.⁽²⁾ And, that Aberdeen might not be behynde with others in honouring the Assembly, ther was a select number of the yowthes of Aberdeen ordered, with partisans (made for that pourpose, and deyed blacke), for to gwarde the Assembly constantly at evry sessione, without the doores of the church, through which gwarde evrybody must passe as through a lane.⁽³⁾

(1) [One of the unprinted Acts of the General Assembly which met at Edinburgh in 1643, is entitled, "Approbation of the advice of the Commissioners of the late Assembly at S. Andrews, for not printing two Acts of the last Assembly held at Aberdene." Records of the Kirk, p. 360. Baillic, in his account of that Assembly, writes, "A thornie bussnesse came in, which the Moderator, by great wisdome, got cannilie conveyed. The brethern of Stirling and Perth had made great outcries that the commission had authorised the clerk, in printing the Assemblies-acts, to omitt two acts of Aberdeen, one anent the Sabbath, another about novations. In both these, satisfaction was given: That our bounding the Sabbath from midnight to midnight might offend some neighbouring kirks: As for the other act, about novations, it was expressed also clearlie in the printed acts of the posteriour Assemblies, to be made use of by all who had occasion. These things were so well delivered that all were quyeted." Letters, vol. ii., p. 91.]

(2) [On the seventeenth of June, 1640, the Town Council issued the following ordinance: "The provost, baillies, and counsall, appointes measones and wrightis to be enterit presentlie to the wark of the Greyfreir kirk, for prepairing convenient seattis within the same to the memberis of the Generall Assemblies, indicted to hauld and begin at this brughe the twentie eight day of Julij nixt to come: and appointis George Sanderson to attend the workmen, and to assist George Menzies, maister of wark, till the perfyting thairrof. And the expensis and chairges to be deburst be the said maister of wark thairvpon is ordaint to be allowit to him in his comptis." Council Register of Aberdeen, vol. lii., p. 553.]

The accounts of the master of kirk and bridge work, for the year 1640, seem unfortunately not to have been preserved.

The following entries occur in the accounts of the dean of guild from Michaelmas, 1639, to Michaelmas, 1640:

"The 6 day of August gave the courtesie of the tune to the commissioners of Glasco and Perth, in Elspet Culones huse conforme to her count, _____ 8lib. 11s.

"The said day in the same husse vithe Mr. Androw Cant, _____ 3lib.

"The 10 day of August to James Muray, clark to the Assembly for extracting such actis as concerned the tune, _____ 13lib. 9s. 4d."]

(3) ["Tuesday the 28th of July, the General Assemblies sat down in the Gray Frier kirk of New Aberdeen, weil plenished with deasses and seats be the town upon their great

A. D. 1640.

Mr. David Dickson, who had been moderator at Edinburgh, *anno* 1639, did preache, and opned the Assembly, which meeting in the afternoone, they did proceede to choose a moderator. The vote enclyned to Mr. Andrew Ramsey, minister at Edinburgh. The rest of that day nothing was done; the reasone was, because they wold attend if any Comissioner wold come from the King. This was done for a formalitie; for all knew that none was to be expected.

Order of the Assembly. Idolatrous monuments in Old and New Aberdeen destroyed during the sitting of the Assembly: witches: students of divinity: unprinted acts: family exercise.

July 29.
Sessio 2.

XXVIII. The next sessione mett July twenty-ninth; which day the moderator openly did aske, in face of the Assembly, if ther was any Comissioner come from his Majestye; and fynding ther was none (which he knew befor he asked), the Assembly did resolve to proceede according to ther libertyes.

The first thing that was done was passing some actes for ordering the Assembly house, which had been referred to a comittye to draw upp by waye of overture. They wer quickly agreed unto; they wer as folowes :⁽¹⁾

First, That the comissioners sitt by themselves, unmixed with others; and the place where they sitt to be distinguished from others by railles, or by some other convenient waye. Next, That convenient places be provyded unto such as wer persons of respecte (who are not comissioners), according to ther qwalities, as the magistratts of the towne shall fynde most convenient.

This order was neither weall observed at that tyme, nor in any following Assemblye.

Second, That all comissioners, or members of the Assembly, shall receive ticketts from the magistratts of the brugh at the delyvrye of ther comissions, that so they may have ready accesse to the Assembly whenever they come. Next, That all members who came late, after the calling of the rolls, should be censured as the Assembly thought meete. Thirdly, That whatsoever presbytrye, brugh, or universitye does not send comissioners to the Assembly, or they being sent, sitt not at all in the Assembly,

expensis befor their incomeing. The earles of Marischall and Findlater, the lord Fraser, the collonel master of Forbes, with sundrie barrons and gentrie, as ruleing elders, were there. The kirk is weill guarded with partisanes, and the doors weill kepted and attended." Spalding, *Hist. of Troub.*, vol. i., p. 232.]

(1) [See Records of the Kirk, pp. 278, 279. They were drawn up by Baillie, who complains that they were but ill observed: "through negligence to exact them thereafter, we fell at once into our old misorders." Letters, vol. i., pp. 363, 364.]

to be summoned to the next Assembly and censured as the Assembly shall thinke reasonable. A. D. 1640.

The two first poyntes of this acte wer neglected quickly afterward ; and the calling of the rolls at every sessione was not constantly practised afterward in all Assemblies following.

Third, That four persons of respecte have warrant from the Assembly to enioyne that ther be no standing, nor noyse, nor disorderly behaviour ; or, if any should disobey, or direct his speeche to any but to the moderator, or speacke but one at once, with leave first asked and givne, to be rebooked publickly by the moderator ; and, if he desiste not, to be removed out of the Assembly for that *sederunt*.

Yow may be sure that ther wer some ruling elders at the macking of this acte, for the modell of it is tackne, in pairt, from the barrons courtes : albeit it past in ane acte at this tyme, yet it was ill obeyd, and in after Assemblies almost qwytt laughed at.

Fourth, That no motion come into the Assembly but by the comittye appoynted (for overturs and bills) for matters of that nature ; and if the comittye refoose to answer it, lett it be propounded to the Assembly, with the answers therof.

This acte is somewhat lycke the lordes of the articles in Parliament, and in following Assemblies was licked into some better shape, by setting upp many distincte comittyes, not all created as yet at this tyme.

Fifth, That the minuts of ilke sessione be readde befor ther rysing ; and if the matter concerne the whole kirke, lett it be drawne upp in forme, and readde in the beginning of the next enswing sessione, that the Assembly may judge whether or not it bee acording to ther mynde.

Ane usefull and necessaire acte ; they wer beholdne to the Sessione of the Lords or Judges for the modell therof ; but not weall observed in the subsequent Assemblies.

Another acte of that Assembly appoynted idolatrouse monuments to bee demolished in all places, specially in the north, wher they wer said to bee most frequent, such as crucifixes, images of Chryste, Mary, and saintes departed, and that with all convenient diligence ; and presbytryes and provinciall assemblies were to tacke care therof, and report it to the next enswing Generall Assembly.⁽¹⁾

(1) [Records of the Kirk, p. 279.]

A. D. 1640.

According to which acte, during the tyme that the Assembly was sitting, ther wer some designed who should purge both cittyes of Aberdeen from such trashe; who instantly went about ther worke, and least they should seeme to have done nothing, they knocked downe some old weather beatne stones, which had stood in some publicke places of Old Aberdeen, which were grown *sine nomine trunci*.⁽¹⁾ Ther was lyckwayes ane old crucifix of stone in a rouinouse church (called the Spittal church, rased since that tyme,) that was brockne downe lyckewayes. Ane image ther was of Sainct Andrew, which, some few yeares befor, had been sett upp upon the dwelling house of Sir Alexander Gordone of Cluny, in Old Aberdeen, for ornament, it being knowne that the gentleman who had built the house, and sett it upp hard by some other gilded scutcheons, was no papist: downe went Sainct Andrew with the rest. In the University of Old Aberdeen ther stood the remainder of ane old organ, upon which was painted, in a course draught, the pourtraicte of some woman, nobody could tell who, and had hunge ther half brockne and wholly neglected for many yeares: this was brockne downe and complained upon as a thing very intolerable in the churche of a colledge. The bishopps house in Old Aberdeen (as else

(1) ["Wednesday the 5th of August, the earle of Seaforth, collonell, master of Forbes, Mr. John Adamsons, principall of the colledge of Edinburgh, William Rigg, burgess ther, doctor Guild, rector of the Kings Colledge of Old Aberdein, with some other barrons and gentlemen.....came all ryding up the gate, came to Machir Kirk, ordained our blessed Lord Jesus Christ his armes to be hewen out of the foir front of the pulpit thereof, and to take down the portraitt of our blessed Virgine Mary, and her dear sone babie Jesus in her armes, that had stood since the upputting therof, in curious work, under the syrling at the west end of the pend, wheron the great stipell stands, onmoved whyle now; and gave orders to collonell, master of Forbes, to see this done, whilk he with all diligence obeyed. And besydes, wher ther was any crucifix sett in glassen windows, this he caused pull out in honest men's houses. He caused ane mason strike out Christ's' armes in hewen work, on ilk end of bishop Gavin Dunbar's tomb; and siclyke chissell out the name of Jesus, drawn eypher wayes, IHS. out of the timber wall on the foirsyde of Machir Isle, anent the consistorie door. The crucifix on the Old Toun cross dung down; the crucifix on the New Toun closed up, being loth to brake the stone; the crucifix on the west end of St. Nicholas' Kirk in New Aberdein dung down, whilk was never troubled before. But this diligent collonell master of Forbes kept not place long time thereafter, but was shortly cashiered; and after diverse fortunes, at last he, with his lady, went to Holland to serve." Spalding, *Hist. of Troub.*, vol. i., pp. 234, 235.

In the preceding month, the following order had been issued by the Kirk Session of the parish of St. Nicholas of Aberdeen: "28 Junij 1640. Doctore Gulielmo Guild, moderatore. The Session understanding that some capitanes and gentilmn of the regiment of sojourns lying in this town had tein some offence at the portrat of wmqhill Alexander Reid, some-tyne of Pittoddels, as smelling somequhat of poperie, and standing above the session hous door: For removing of the quhill offence, ordaines the said portrat to be tein down, and not to be set wp again." Kirk Session Register, vol. iv.]

wher), belycke, this yeare had been lyckwayes defaced, it seems, under the notione of ane idolatrouse monument. A marvell it is, how the two crosses that stand upon the two endes of the high church of New Aberdeen escaped then and since; as also the four crosses that are upon the four small leadne turrets of that steeple. That yeare, or not long befor, the magistratts of Aberdeen had tackne panes for to repaire the Grayfreere church, and had adorned it with a costly seate, in a lofte just opposite to the pulpitt. The carpenter had shewed his skill in cutting upon the severall compartments of the frontispiece of that lofte, the images of Faith, Hope, and Charitey, and the Morall Vertwes, as they use to be painted emblem wyse: ther stood Faith leaning upon the crosse. This was as soon qwarrelled at as espyed by severall ministers, commissioners of the Assembly, who looked upon all that new frontispiece as savouring of superstitione, and wold needs have Faith or her crosse removed from her. The magistratts durst not excuse it; and many others wer silent, least they should be suspected. In ende, Mr. Andrew Ramsey, the moderator, interposed himself, and shewed the offended bretheren that thes pourtraictes wer only emblems, and evry wher uswall, without scandall to protestants, with many wordes to that purpose: so that by his mediatione they wer pacifyd, and Faith, with the rest of the vertwes, wer permitted to stand still, wher they as yett remaine undefaced to this daye.⁽¹⁾

A third acte was passed against witeches and charmers, said also to be frequent in the north (though some yeares after they wer discovered to be mor frequent in the southe).⁽²⁾ The Assembly ordained ther comissioners who wer attended to waite upon the next session of the Parliament, for to recommend to the Parliament, and urge the execucutione of lawes against them.⁽³⁾

Lyckwayes, they ordained, in ane other acte, that whosoever subscribes

(1) [The Generall Assembly which met at Edinburgh in 1647, remitted "to the Ministers of Edinburgh, to take course with the Monuments of Idolatrie brought from the North." Records of the Kirk, p. 482. The Assembly of 1648 made a "remit to the Presbyterie of Edinburgh concerning the Service-books and Idolatrous monuments, now lying in the high-School-yard." *Id.* p. 518.]

(2) [In the Generall Assembly which met at Edinburgh in 1643, "upon the regrate of the extraordinary multiplying of witeches, above thirtie being burnt in Fyfe in a few moneths, a committee was appointed to thinke on that sinne, the way to search and cure it." Baillie's Letters, vol. ii., p. 88.]

(3) [Records of the Kirk, p. 279.]

A. D. 1640. the Covenant, and speackes against it, if he be a minister, he shall bee de-
 prived of his place; if he continow so to doe after he is deprived, he shall
 be excommunicate; and if it be any other man, he shall be dealt with as
 perjuriouse, and to satisfce for his perjurye.⁽¹⁾ The reasone of this acte
 was a complainte givne in against many ministers and others about Aber-
 deene, who wer alledged, after ther subscription, in ther ordinar discourse,
 to have openly mocked the Covenanters and ther actions.

And because ther wer some yowng expectants, students in divinitye, in
 and about Aberdeen, who wer single men, and had no place and not much
 meanes to lose, who refoosed to subscrybe the Covenant, and ordinarily dis-
 puted against it, therfor the Assembly, by ther acte, doe declare, that all
 such shall be declared incapable of a pedagogye, teaching of a scoole, read-
 ing in a kirke (for at this tyme reading the scripture publickly in the church,
 without lecturing, was not thought ane error), or preaching within a presby-
 trye; nor shall they have libertye to reside within brugh, universitie, or
 colledge; or, if they continow, to be processed with excommunicatione.⁽²⁾

This acte proved a meane, if not to satisfce, yet to silence all; and,
 shortly after, such students of divinitye about Aberdeene, who wold neither
 tacke the Covenant nor could be silent, wer glade for to betacke themselves
 unto voluntarye exyle, and leave ther native countrey.

Hithertoo we have looked upon such actes of that Assembly as wer
 printed, yet thes thinges wer but *præludia*, and but prolouges to ther great
 worke that they came for; though some of thes formentioned actes, as to
 the tyme that they wer enacted, wer past after the greate worke was done;
 as, for instance, that acte against expectants refoosing to subscrybe the
 Covenante, which passed not till August fifth, Sessione tenth, wberas the
 ministry of Aberdeen wer thrust out befor that daye; as, for instance, Dr.
 Serogye, August first, which was the day that the acte for censuring
 speackers against the Covenant, past *Sessio quinta*. Other particular actes
 are mentioned in the index of the unprinted actes of that Assembly;⁽³⁾
 such as,

First, Acte against profaining of the Sabbath.⁽⁴⁾ This should have been
 printed, being of generall concernement.

(1) [Records of the Kirk, p. 279.]

(2) [*Ibid.*]

(3) [*Ibid.*]

(4) [Baillie says it was suppressed because "our bounding the Sabbath from midnight to
 midnight might offend some neighbouring Kirks." Letters, vol. ii., p. 91.]

Second, Acte for renewing of a former acte made against abbotts and against pryors. But we know neither what the former nor latter acte are.

Third, Comissione for attending the Parliament. The lycke had been established in the two former Assemblies; but we are to seeke for the number and nature of their comissione. Belycke this was the embryo of the formidable Church Comissione, which, in few yeares after this, did engrosse almost all the power of the Generall Assemblye.

Fourth, Commissione anent the province of Rosse. It was graunted (as most of all comissions of that nature at that tyme wer), for casting out anti-Covenanter ministers.

Fifth, Commissione anent the presbytrye of Kirkwall.

Sixth, Report of the visitors of the Universitye of Glasgow, and a new comissione of visitation of that Universitye. The reader must know that Glasgow was not yet purged eneuiche.

Seventh, Acte anent the carriadge of ministers. I know not what it meanes; it is lycke one of Caligulas lawes, and worse; his wer only sett upp high in a small letter; this acte is qwyte concealed.

Eighth, Acte anent the ordering of family exercise. Of which mor anone.

Ninth, Acte for ruling elders ther keeping presbytries. Ane acte evill observed, except when ruling elders have ther oune particular bussiness ther, and probably the ministrye not curiouse to censure them for breach of this acte.

Tenth, Acte anent magistratts being members of kirke sessions. But what this meanes we are to seeke.

Eleventh, Approbatione of the proceedings of the comissioners apoynted for to attende the preceeding Parliament.

Twelfth, Acte anent abolishing of idolatrouse monuments. Of this alreadye.

Thirteenth, Acte anent abolishing of idolatrouse monuments in and about Aberdeene. Of this alreadye lyckwayes.

Fourteenth, The report of the visitors of the Universitye of Aberdeene.

Fifteenth, Commissione for visiting the University of Aberdeene. Of which we now come to speacke.

But, first, concerning the acte for ordering family exercise; the occasion wherof was a reference brought from Strivling by Mr. Harye Guth-

A. D. 1640. rye, minister of that towne.⁽¹⁾ Ther had been a delatione givne in to thes of Stirling against some night meetings for relligiouse family duties; to which meetings many families used to resort together, and ther to use psalmes singing, reading and interpreting of scripture, and conceived prayers *extempore*. Thes duties were performed promiscouslye and by turnes, evry one, as he had the name to be better gifted then the rest, praying or interpreting the scripture. After thes meetings beganne, many flocked to them, pairtly for the noveltie of the thinge, and others out of devotione, and some for to espy what they sawe ther worthe remarking, either good or evill. That unswallow resorte at such tyme of the daye, and ther circular prayers, and ther offering to interpret scripture, who were looked upon but as learners, gave offence to many, and several ministers excepted against it as ane incroatching of the calling of the ministrie. Wherupon they fall to examine such as had been present; and fynding that many of the vulgar sorte carryd ther not gravely enuech, nor suitably to the pretended endes of thes meetings, as was veriefyd by ther confessions, it was thought fitt to referr the whole matter to the Assembly at Aberdeen, then approaching. Mr. Hary Guthry, minister of Strivling, brought ane authenticke extracte of the confessions of such as had been present along with him to Aberdeen, and gave them in to the Assembly, wher they wer publickly readde, not without the greate offence of many, and the lawghter of such as wer secretly dissaffected, but to the little contentment of the ministers of the westerne places of Scotland, who favoured such practises, and wer promoting them as much as they could. And many thought, that Mr. Hary Guthrye his bringing it to publicke hearing at such a tyme and place, though it was dissembled at that tyme, yet was none of the least causes which begott so manye enemyes to him in the following yeares, who tooke the first occasione they could fynde for to deprive him of his ministrie; albeit that was not any of the poynts of his indytment when he was deposed.⁽²⁾

After the matter had been fully hearde, the Assembly passed ane acte for ordering of family worshipp or exercise, for so the acte is superscrybed. In this acte it was ordained, first, that families should not conveene to-

(1) [Afterward bishop of Dunkeld from 1665 to 1667. He left behind him *Memoirs of Scotch Affairs* from the year 1637 to the death of King Charles I., which have been more than once printed.]

(2) [On the fourteenth of November, 1648. Guthry's *Memoirs*, p. 299.]

gether for relligiouse exercise pourposly; next, that scandalouse tymes of meeting should be eschewed; further, that none except ministers or expectants, should tacke upon them to interpret the scripture in families; and for thes circular prayers, they did abrogate them, layinge that taske on the master of the familie, or any abler in his family, or upon the minister of the place occasionally present, or upon any one occasionally present, to whom the master of the family should give the call.⁽¹⁾

This is the summe of that acte, as neer as I can remember it, for it was industriously concealed therafter, and much qwarrelled at by all that enclyned towards the independent or sectarian phanaticke wayes, which then wer beginning to budd in Scottlande; and some of them proceeded so farr as to affirme, that had it not been in Aberdene that the Assembly mette, a place disaffected to reformation, such ane acte, wherby the power of godliness was so much restrained, had never been made. It is sure that it gott no obedience in thes westerne places, and afterwards it was concealed, never being printed; and to please thes phanaticke people, who wer looked upon as the only godly and spiritwall people in the following yeares, in some of the following Assemblies it was so commented, and limited, and qualifid, and interpreted, that to this acte the actes of some following Assemblies proved lycke the glosse of Orleance, destructive to the text, for they opned a doore to any that pleased to preach or praye, which heer seemd to be closed, as may be seen by the acte of Assembly at Edinburgh concerning family worshipp, *anno* 1647.⁽²⁾

The man who was most complained upon and tackne notice of as being a greate abettour and promover of thes new familie meetings, was a west cuntry gentleman, laird of Lekkey, who had been at Strivlinge, and else wher; upon such accompts of whom ther went a reporte that amongst expressiones and invectives against sett formes of prayer, he overreatched so farr, as that he was hearde saye that the LORDS PRAYER was a theered bare prayer.⁽³⁾

(1) [See Appendix, No. I.]

(2) [Records of the Kirk, pp. 472, 474.]

(3) [“The Examination of *Francis Tillet*, taken upon oath before Sir *Anthony Wieldon*, *William James*, *Richard Beule*, and *John Bize*, Esquires, upon an information of some subornation against *Robert Cosens*, Novemb. 20. 1644. Who saith that *Robert Cosens* and this examinatt being together upon the Centry, they were talking of the Common Prayer, and the Lords Prayer; and in this discourse the examinate affirmed, *That the Lords Prayer was taught unto him by his Forefathers, and that it was of Christs making and framing*;

A. D. 1640.

Visitation of
the University
of Aberdeen.

XXIX. And now I am come to speacke concerning the visitatione of the Universitye of Aberdeene, wher it shall be necessaيرة to premise somewhat of ther projecte and intentions, as also the way how thes devyses wer prosecuted, wherby it will be cleare that they proceeded politically eneuche for suppressing the pillars of episcopacye, and setting upp ther owne pairty, or such as could be most instrumentall in place therof. First, therfor, it is to be knowne that the Covenant meeting with no considerable oppositione of any of the clergy, comparable to thoise of Aberdeene, the Covenanters made it ther greate aime, in consideratione therof, for to disgrace and ruinate thes learned men who had opposed them; and, next, because it was for to be presumed that the Universitye of Aberdeen and cittye had been principallly by them with tenents opposite to the Covenante and Presbyterian waye, therfor they founde it absolutely necessary to sett upp in ther places such as wold be diligent to principle, bothe people and scollers, with Presbyterian tenetts; a designe not only carryd on heer but begunne at Glasgow Assembly (as has been related befor), in order to all the Universityes and eminent places of Scotland, wher either bishopps had resyded or ministers zealouse for episcopacye.

Ther was a delegatione named first in Glasgow Assembly for to goe to Aberdeen and visite that Universitye;⁽¹⁾ wherin they acted so bravly, that

whereunto *Robert Cosens* replied, *That if our Saviour were again upon earth, he would be ashamed of what he had done*; and that afterward this examine relating unto his Brother *John Cosens* this discourse, the said *John Cosens* replied, that his Brother *Robert* had said unto him as much before." The Second Part of Gangræna: Or, A fresh and further Discovery of the Errors, Heresies, Blasphemies, and dangerous Proceedings of the Sectaries of this Time. By Thomas Edwards, Minister of the Gospel, p. 98. London, 1646.]

(1) ["Act Session 25, December [18th] 1638. The Generall Assemblie haueing considered, that it was the continuall practise of this Kirk, as is evident by the books of Assemblie, and that it is now most necessary, to give commission to some able and wyse men of the ministers and elders to visit the colledges and vniversities of this Kingdome; and now being presentlie conuened in the cite of Glasgow, by God's providence, and vnabill to goe themselves for the visitatione of the Vniuersitie of Old Aberdein, Thairfoir nominats and apoints John Earle of Sutherland, the Master of Berridaill, my Lord Fraser, Alexander Master of Forbes, the Laird of Leyis, Robert Innes of that Ilk, Walter Barelay of Towy, Mr. David Lindsay at Bellhelvies, Doctor William Guild at Aberdean, Mr. Thomas Mitchell at Turrett, Mr. James Martein at Peterheid, Mr. John Patersoun at Foveraine, Mr. William Forbes at Fraserburgh, Sir Gilbert Ramsay of Balmaine, Mr. William Dougless, and anie aucht of thame, being four Ministers and four Elders, a sufficient quorum, gifeand and grantand vnto thame the full power and commissioun of the Assemblie, To mett at Aberdein betwixt and the first Mononday or Tuesday of Apryll next to cum, to constitute their clerk and other necesser members to visit the Vniuersities of Old Aberdein, To summond and conueine befor thame all the members thereof, To try and examine the

that they procured one Mr. John Lundy, as if the University had desired it, for to call for a visitatione, as hath been told befor;⁽¹⁾ and, withal, they made it a pretext of bringing armes north against Huntly. Trwe it is, that, *anno* 1639, they made a fashione of visiting that Univerisytie, but thinges wer not rype eneuch; it was therfor laid by for that tyme. In the Assembly at Edinburgh the motione was kept on foote, but the long controversy after the pacificatione betuixt the King and the Covenanters, kept it off till now, that they brought the Assembly to Aberdeene for that pourpose, as also for deposing such of the ministrye as yet stooode out against the Covenant (after it was authorised by the Assembly at Edinburgh, 1639), which they were sure the ministers of Aberdeen, who had appeared in print against it, wold doe, and consequently be obnoxious to the censure of the Assemblys acte, which had beene countenanced by Traquair, then Lord High Commissioner. Thes wer the reasones that drew ther Assembly to Aberdeen at this tyme; nor wer they mistackne of ther expectatione, as presently shall be told.

I fynde in the unprinted actes, a report of the visitors of the Univerisytie of Aberdeene, and a new comissione granted for to visite;⁽²⁾ but after Glasgow Assembly no reporte till now; and, what is most straunge, ther maine worke is not mentioned, which was the turning out the ministers of

A. D. 1640.

qualities of the members therof giff they be correspondant to the order of their erectionis, to consider how the doctrine is vit be ther masters and regents, and if the same be correspondant to the Confession of Faith, and acts of this kirk, and how the order is kept amongst students, how ther rents and liveings ar bestowit, and all uther things to try and examine, whilk anie commissioners from the assembly had power to try, or whilk the Generall Assemblie itself might have tryed in her visitatioun, an efter due tryell of the members and orders therein, if they be agriable to ther erectioun, and the acts of this church: to remoue all members superfluous, unqualifiet, or corrupt, and to plant their rounes with moir sufficient and sound masters; to reneid all disorders, rectifie all abuses, and to doe all uther things necessarie for the preservatioun of religion and learning, whilk the Generall Assemblie themselfs might haue done, or anie commissioners from thame in ther visitatiounes haif done: Lykas the assemblie grants vnto the commissioners foirsaid, the power of suuounding befor them all ninisters and professors within the province of Aberdeen for to acknowledge the laitt assemblie and the constitutions therof, and vpon their reuisall, to cite them to compeir befor the next Generall Assemblie, to be holden at Edinburgh the third Wednesday of Julij, to be censoured for their contempt and dissobediencie; and this Commission to indure till the last day of May nix to cum, and the commissioners report their diligence to the next General Assemblie, and be answerable for their proceedings.

“Extracted out of the books of assemblie by Mr. Archibald Jhonston, clerk to the assemblie.”

(1) [See above, vol. i., p. 155.]

(2) [Records of the Kirk, p. 279.]

A. D. 1640. Aberdeene: Ther depositions, and the reasons therof, is kept upp in the caball of the wryttne register of the Assemblies.

A committee appointed for this purpose, to meet at Marshal's house.

XXX. But once to close this pourpose: Sure it is, that the Assemblye, how soone they satte downe in Aberdeene, did delegate a committye befor whom both the members of the University, and the ministers of Aberdeene, and such other ministers as wer citted to answer this Assembly, wer to macke ther appearaunce to be tryed and examined ther. The place for that comittye to meet in was appoynted to be Marishalls house, at a large distaunce from the church wher the Assembly sate; and they satte downe *pro primo* upon the last day of July, two dayes after the Assemblies first session.⁽¹⁾ Thes who wer summoned to macke ther appearaunce befor this comittye wer the principalls and members of both colledges of Aberdeene; and, of the ministrye, Doctor Johne Forbesse of Corse, professor of divinity in the Kings Colledge; Doctor Alexander Scroggye, minister of Old Aberdeen; Doctor James Sibbald, minister of New Aberdeene; besyde Doctor William Leslye, principall of the Kings Colledge. All thes wer mainly aimed at, as having had ane hande in the qwerees, *anno* 1638. Ther wer lyckewayes citted befor them of the countrey ministers, Mr. Johne Gregory, minister at Dalnoak (of whom already); Mr. Johne Rosse, minister at Birse; Mr. Alexander Strathquhan, minister at Chappell of Gereache; Mr. Andrew Logye, minister at Raine, who all compeired, and wer staged. Some others wer lyckewayes cited, but wer not qwestioned: all thes wer of the diocesse of Aberdeen. Of the diocess of Murrey wer cited and compeired Mr. Johne Guthrye, minister at Duffus, in the presbytry of Elgyne, sonne to the bishopp of Murrey; and Mr. Richard Maitland, minister at Abercherdir, in the presbytrye of Strabogye: for some others of the the province of Murrey wer deposed by comittyes befor the meetinge of the Assembly of Aberdeene. As for Dr. William Guild, minister at Aberdeen, he was sittinge as a member of the Assembly.

Dr. Alexander Scroggye processed and deposed; vindicated by the author.

XXXI. Dr. Alexander Scroggye his parishoners wer examined concerning his lyfe and his calling. It was objected unto him that he preached long upon one texte, that he was cold in his doctrine, and edifyd not his

(1) [“ And that day there convened the earle Marischall, the earle of Findlater, lord Fraser, collonell master of Forbes, (to whom also came upon the morne the earle of Seaforth,) and Mr. Andrew Ramsay, moderator, persones of this Generall Assembly Committee.” Spalding, *Hist. of Troub.* vol. i., p. 233.]

parishoners; finally, that he refused to subscribe the Covenant, evne then, though accused; and with little ceremony he was sentenced and deposed from his ministrye by the voice of the Assembly, August fyrst.⁽¹⁾ He could have gott quarter for all his other faultes; but his joyning in the queeres was unpardonable in ther eyes, who herein wer party as weall as judges to him and all the rest. I must vindicate him from the other aspersions: To my knowledge, he was a man sober, grave, and painefull in his calling; his insisting upon a text longe was never yet made, nor could be matter of accusatione to any, if the text wer materiall, and the discourse pertinent, and not tautologicall, which his observes ever wer: And for his cold delyvery, his age might excuse it, it being long since obsvrd that

“Intererit multum, divusne loquatur, an heros;

Maturusne senex, an adhuc florente iuventa

Fervidus.”⁽²⁾

For he was then of great age, which might weall have excused other omissions or escapes in his discipline which wer impertinently objected, and, at farrest, could have pleaded only for a colleague to him, considering his numerouse and vast parosh, not to be paralleled in thes places,⁽³⁾ as extending not onlye over Old Aberdeen, but to the very portes of New Aberdeen, and a great pairt of the countrey nearest Aberdene.*

(1) [“Doctor Scroggie is accused for not subscribeing the covenant; besydes, for concealing of adulteries within his parish and some fornications, abstracting of the beidmen’s rents in Old Aberdein, with some other particulars maliciously given up against him: and wher-upon Mr. Thomas Sandielands, commissar (his extreme enemy), Mr. Thomas Lillie and Thomas Mercer, were brought in as witnusses, after doctor Scroggie’s answer to ilk article was first wrytten: But shortlie upon the first day of August, be this committee was he deposed and *simpliciter* deprived, and preached no more at Old Aberdein nor else where.” Spalding, Hist. of Troub., vol. i., p. 233. “Dr. Scroggie,” says Baillie, was “ane old man, not verie corrupt, yet perverse in the Covenant and Service Book.” Letters, vol. i. p. 248.]

(2) [Horat. Epist. ad Pisones, v. 114.]

(3) [The parish of Newhills was not then separated from that of Saint Machar.]

* Dr. Scroggie, after his deposition, got a pension from the King, anno 1641, at the Parliament, and lived privatt till his death, which was at Rathven, anno 1659, in the ninety-fifth yeare of his age. [Dr. Scroggie was by Bishop Patrick Forbes preferred from the parochial cure of Drumoak to the cathedral church of Saint Machar, in Old Aberdeen, in 1621. He took the degree of Doctor of Divinity in the King’s College and University, on the thirty-first of July, 1627. The Theses which he maintained on that occasion bear this title: “De Imperfectione Sanctorvm in hac vita Theses Theologicæ. De quibus Deo benigne annuente, Christiana & publica instituetur συµβιβασις, in vetusta Academia Aberdonensi, 31 Iulii, Anno 1627. Pro S.S. Theologiæ Doctoratu. Præside Ioanne Forbesio, S. Theol. Doct. & publico in eadem Professore. Respondentis partes tuncnte M. Alexandro Scrogæo, Verbi Dei Ministro, in Cathedrali Ecclesia Aberdonensi. Aberdoniæ, Excudebat Edvardus

A. D. 1640.

Dr. James
Sibbald.

XXXII. To Dr. James Sibbald it was objected before the Assembly that he had preached poyntes of Arminianisme publickly in the pulpitt of

Rabanus. Cum privilegio. Anno 1627." He is described by Dr. Garden as "vir prudentia insignis, eruditio hanc contemnendus." Vita Johannis Forbesii, § xlix. Spalding calls him an "honest old reverend man, of good literature, judgment, and understanding. . . . ane learned, grave, ancient man, of singular good parts." Hist. of Tronb., vol. i., pp. 262, 270. The only work which he is known to have left is "A Fvnerall Speach, In commemoration of the right Reverend Father in God, Patricke Forbes of Corse, late Bishop of Aberdene, Chancellour and Restorer of the Universitie thereof, one of his Majesties most honourable Privy Counsel, a jewell both of Church and State, Baron of Oneill, &c. Delivered Apr. 12. 1635. by Alexander Scrogie, Doctor in Divinitie, and ordinarie Minister of Gods word in the Cathedrall Church of Aberdene," printed in Bishop Forbes' Funeralls, pp. 58—68. After his deposition, says Spalding, "he wrought so, that he had gifted to him, out of Ross, eight chalders victuall dreing his lifetime, since his kirk was taken frae him. Mr. Alexander Innes, minister at Rothemay, his goodsone, and deposed frae his kirk, also Mr. Alexander Scroggie, his son, deposed frae his regencie, ilk ane of them had gotten some pension frae the king." Hist. of Troubles, vol. i., p. 345. We learn from the same source that in 1641, on "Sunday, being Whytsunday, and 13th of June, Doctor Scroggie, notwithstanding he was forbidden out of pulpitt to come to the table, as he had not subscribed the covenant, took his communion; whilk bred some fear to the minister, doubtfull to refuse him the communion or to give it; but no impediment was made to him, and so he received it." *Id.* p. 326. To the General Assembly which met at Saint Andrews in 1641, "Dr. Scrogie (after he is deposed, put frae his kirk and house, and spulzied of his goods), gives now in ane supplicatione (notwithstanding of his wryting with the rest of the Aberdein's doctors against the Covenant), offering to swear and subscribe the samen, whilk he had refused before, and to doe what forder it should please the brethrein to injoyne him. The Assembly heard gladly his supplication, and referred him to the Committee of the kirk at Edinburgh, ordaining him to goe ther and give them full content, whilk he promised to doe, and whilk he did at leasure." *Id.* p. 333. See also p. 345. On the twenty-sixth of May, 1642, he appeared before the Presbytery of Aberdeen, and subscribed the following recantation:

"1. Whairfoir, cleirly decerning my former mistakingis in opposing the Nationall Covenant of this Kirk and Kingdome, I do now pass from all the ressonis and argumentis spoken or givin out be myself allone, or otheris, either before or at the lait Assemblée of Abirdene, against oure subscribing thair of, in als far as thay militat against the Covenant, or utters any thing to the prejudice thair of.

"2. And particularly, I declare now the pointis qnhairupone I wes questioned at my deposition, and did not then cleirly gif satisfactioun, as follows:

"1. I profes the humanitie of Christ ought not to be painted for religious uses, or to be had in public places of worship.

"2. That the kirk of Rome is ane hereticall, apostaticall and idolatrous kirk, and not the true kirk.

"3. I now declare cleirly, that it is unlauchfull in a Christeane kirk to have, or use altaris, cappingis and bowingis before them, the priestis habit whilk he oleris (as surplissis, rochetis, keapis) the table standing altar wayes, prayeris toward the eist.

"4. I do also, according to our Covenant, refuse the Service book, book of Cannonis, Ordination, and heighe Comission, evin as they ar condemned by oure General Assemblies, and upone the same groundis.

"5. I farder do declare, that albeit in the Lordis Supper there is a commemoration of the sacrifice of Christ for ws, yit the samen ought not to be called properlie a Sacrifice, either propitiatorie or commemorative.

New Aberdeen ; that speaking to one who was doing penance upon the stoule of repentance, he had saide that if he had improved the grace givne him from God, he needed not to have fallne in that sinne, *etc.* Some of his private conferences to this purpose was objected.⁽¹⁾ His accuser was Mr. Samwell Rutherford, who, in former tymes, had been his hearer at such tymes as Mr. Samwell was confyned in Aberdeene ; finally, that he refoosed to subscrybe the Covenant. His maine fault was, that he had opposed it, having had a hand in the Aberdeens queeres ; that ruind him, though least objected. He spoke for himselfe, and denyed Mr. Samwells accusation ; but it was hootlesse, for, by vote of the Assembly, he was deposed, and he and Dr. Scroggye (if my memory faile not) ordered to be processsed, if they subscrybe not the Covenant ;⁽²⁾ which seems to me to

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" 6. I also rennue the absolut necessitie of private baptisme.

" 7. I deny the Sacrament of the Lordis supper could be givin to dying persones as a viaticon, and think the giving or taking thereof to be superstitious.

" 8. I confess, that the citing of the place, Mathew 26. 32., *All those that tak the sword sall perish by the sword*, and Rom. 13. 2., *They who resist sall receive to them selfis condemnation*, to condemn the just and necessarie defens of this nation, ar misapplied ; and do blis God that oure Sovereigne the King, and oure neighbour kingdome of England, have taken notice of, and caused to publish the dewtifulness and loyaltie of our nation thereanent.

" 9. And if any other thing be found, set out be me or otheris about Abirdene, contrair to the just and lauchfull caus of the Covenant, I disclaim them all.

" 10. Fynallie, I allow and avow the lauchfulness of reuelling elderis in the government of the Kirk, and in all the Assembleis thereof.

" At the Presbitrie of Abirdene 26 May 1642. Sic subscribitur, MR. ALEXR. SCROGIE." Spalding, Hist. of Troub., vol. ii., p. 47.

He was appointed by the Presbytery to preach before the provincial synod of Aberdeen, on the eighteenth of October : his sermon " being censur'd by the brethren, is found faultie in sum pointes ; 1. For not praying for the distressed kirk and state of Ireland, in particular ; 2. Alledging that no novations could be brocht in by subjects, either in church or pollicie, aganes the will and auctoritie of ane monarche. But this dillit doume quyatlie without more din." *Id.* p. 94. Dr. Scrogie had two sons. The elder, Alexander, was successively a regent in King's College and University, minister at Forglan, and at Saint Machar's church in Old Aberdeen. The younger, William, " born and bred in Aberdeen," minister first at Rathven, then at Dunbarton, was consecrated Bishop of Argyll in 1666. He died of a fever on the twenty-seventh of January, 1675, and was buried in the church-yard of Dunbarton, where his tomb yet remains. The inscription which it bears is printed in Menteith's Theater of Mortality, p. 244, edit. Glasg. 1834. Verses to his memory will be found in the Epigrammata of Ninian Paterson, p. 52, Edinb. 1678. He is said to have " published a sermon, 4to, Edin. 1660, the title wherof is *Mirabilia Dei.*" Maiment's Catalogues of Scottish Writers, p. 43.]

(1) [See Appendix, No. II.]

(2) [" Dr. Sibbald," says Baillie, " in manie points of doctrine was found verie corrupt ; for the which we deposit him, and ordained him, without quick satisfaction, to be processsed. The man was there of great fame : it was laid on poor me to be all their examiner, and moderator to their processe." Letters, vol. i., p. 248.

" Doctor Sibbald was accused for not subscribing the covenant, and upon preaching of

A. D. 1640. have been the cause why not long after he fledd to Ireland, and ther was placed minister at Dublin till his deathe. As for his Arminianisme objected to him, it was strainge they should accuse him for preaching that way befor theye had condemned it in Glasgow Assemblie, 1638; for after that, they could laye nothing of it to his charge; nor did I ever heare him tainted with it, except so farr as Mr. Samwell Rutherford objected it ther, yet but *testis singularis*. It will not be affirmed by his very enemies, but that Dr. James Sibbald* was ane eloquent and painefull preacher, a man godly, and grave, and modest, not tainted with any vice unbeseeing a minister, to whom nothing could in reason be objected, if yow call not his antecovenanting a cryme.⁽¹⁾

erroneous doctrine and Arminianisme. His papers wer brought by ane rott of muskateirs, at command of the committee, out of his own house, partly written be himself and partly be umquhile William Forbes, bishop of Edinburgh, which wer partly found orthodox, partly otherwayes. There was also ane minister, called Rutherford, who happened to be wairded in Aberdeen at King James' command. He, hearing doctor Sibbald at that time preach, stood up and accused him of Arminianisme. But he defended him also. At last he was deposed, fled the country with a grievous heart, and passed to England." Spalding Hist. of Troub., vol. i., pp. 233, 234.]

* Against whom they wer so curiose to frame articles of indytment, that they caused a partye of souldiours goe and search his studye and seise all his papers; but whither the bishop of Rosse his letters, concerning the printing of the Booke of Canons, wer found besyd him, or amongst Dr. Barrons papers. I doe not remember, for ther was nothing else founde in his study that could serve ther turne for to be a grounde of any accusatione against him.

(1) [Dr. Sibbald was descended from the ancient family of Sibbald of Keir in the Mearns. He studied at Marischall College and University, and in 1619 was chosen one of its regents. He was appointed to the cure of the parish church of Saint Nicholas, in Aberdeen, in 1626. After his deposition from the ministry, says Dr. Garden, "in Hiberniam profectus, ad idem Officium in civitate Dublinia vocatus est, in quo summo cum honore & integritate per decennium versatus est, usque dum pestilentia ibi grassante, in ægris visitandis & consolandis assidue pergens, ipse tandem eadem lue correptus, ex hac vita sublatus est. Vir apprime humilis, pius ac eruditus, in Officio assiduus, concionator gravis ac solidus." Vita Johannis Forbesii, §. xlvii. A posthumous volume of Dr. Sibbald's sermons bears this title, "Diverse Select Sermons upon severall texts of holy Scriptvre, Preached by that Reverend and faithful Servant of Jesvs Christ, D. James Sibald; Doctour of Divinity, late Preacher of the Gospell, at Aberdene. There-after at Dublin, in Ireland. Published after his death. Printed at Aberdene, by James Brown. 1658." This volume contains a sermon first printed in Bishop Forbes' Funeralls, pp. 94—148; "Holmesse to the Lord, or A Sermon Vpon the 36 verse of the 28 chapter of Exodus: In commemoration of the most worthie and Reverend Praelate of blessed memorie, Patrick bishop of Aberdene; Preached by James Sibbald, Doctor of Divinitie, and Minister of Sainet Nicola's Church of Aberdene, Apr. 16. 1635." Dr. Sibbald is enumerated by Sir Thomas Urquhart among "men who have given great proof of their learning, as well by treatises which they have divulged, as in all manner of Acaedemical exertications." Tracts, pp. 122, 123. He is probably the "Ja. Sybald," whose name appears among those of the clergy of Dublin who subscribed a declaration in favour of the Liturgy in 1647. Bishop Mant's Hist. of the Ch. of Ireland, vol. i., p. 591.]

XXXIII. To Doctor William Lesly was objected, that he was lazie, and neglective in his charge,⁽¹⁾ and they strove to brande him with personall escapes of drunkenesse; and, finally, that he wold not subscribe the Covenant, *etc.*, for which he was deposed, as the rest wer. I must pleade for him as for the rest, wherin I shall speacke truthe. His lazinesse might be imputed to his retereid monasticke way of living, being naturally melancholian, and a man of great reading, a painefull student, who delyted in nothing else but to sitte in his studye, and spend dayes and nights at his booke, which kynde of lyfe is opposite to a practicall way of living. He never marryd in his lyfe time, but lived solitary; and if sometymes to refresh himself, his freends tooke him from his bookes to converse with them, it ought not to have been objected to him as drunkenesse, he being knowne to have been sober and abstemious above his accusers. He was a man grave and austere, and exemplar. The Universitye was happy in havinge such a light as he, who was eminent in all the sciences, above the most of his age. He had studyed a full *Encyclopediæ*; and it may be questioned whither he excelled most in divinity, humanity, or the languages, he being (of course) professor of the Hebrew and divinitye. And it was ther unhappinesse to wante him; for since that tyme he was never paralleled by any principall who succeeded him. For some yeares thereafter he lived private, in the house of the Marquesse of Huntlye, who was a freend to learning and learned men, and had him in great esteeme and honour. After Huntly was engaged in the warre, Dr. Lesly retereid to his kinsman, Alexander Douglass of Spynye, a gentlman who entertained him till his death, which fell not out till after the Englishes were maisters of Scotland. He dyed of a cancer, whiche physitions know proceedes from melancholious bloode. Pittye it was that he left not mor behynde him of his learned workes; but the reason was, his naturall bashfullnesse, who had so small opinion of his owne knowledge, that he could scarce ever be gottne drawne for to speacke in publicke.⁽²⁾

A. D. 1640.
Dr. William
Lesly deposed;
vindicated
by the author.

(1) [The lords commissioners appointed by the King to visit The King's College in 1638, "having takin notice of Doctor William Leslie his bygain careage in his office of primarship, and finding him to have been defective and negligent thairin, and worthie of censure, yet, nevertheless, in regard they know him to be ane man of grude literature, lyf, and conversation, and thairfoir unwilling to pas any rigorous censure agains him, They ordain him to teache weiklie in tyme coming tuo lessons, onlie ane thairof in Theologie and the uther in the Hebrew tongue." Kennedy's Annals of Aberdeen, vol. ii., p. 441.]

(2) [Dr. William Leslie was a descendant of the house of Kininvie, according to Dr. Garden, or of the family of Crichtie, according to Bishop Keith. He studied at The King's

A. D. 1640.

Dr. John
Forbes inter-
rogated.

XXXIV. Dr. Johnne Forbessie of Corse, professor of divinity in the University, was the bone of any that troubled the Covenanters to digest; for as he stode opposite to the Covenant, which he had evidenced in his

College and University, and was in 1617 chosen one of its regents. He became its Sub-Principal in 1623; and about 1630 was preferred to be its Principal. "He was," says Spalding, "ane singular learned man, who could never be moved to swear and subscribe our covenant, saying he would not hurt his conscience for worldly means. He was never heard to speak immodestly against the covenant nor procedure of thir times, but suffered all things with great patience, attending God's will; none more fitt for learning, to his charge in the Colledge, and therewith godly and grave. It is said the King gave him some money at Berwick, wherupon he lived for a short while; and it is true he had no great means to the fore of his own, at this time." Hist. of Troub., vol. i., p. 172. "Hic est ille ejus eruditio omne genus, & sacra & exotica, omnibus qui eum norunt magè nota est, quam sibi. Hic est ille, qui si se aut nosset (quæ est ejus modestia, & de se existimatio exilis) aut nosse vellet, singulari ornameto nobis esse posset, ut jam planè magnò est. Hic est ille denique qui etsi omnia non sciat, neque enim hoc mortalis est, pauca tamen ignorat." A. Strachani Panegyric. Inaug. in Aut. Acad. Aberd. p. 38. Sir Thomas Urquhart writes, "To the conversation of Doctor William Lesly (who is one of the most profound and universal scholars now living) his friends and acquaintance of any literature are very much beholding, but to any books of his emission nothing at all; wheræat every one that knoweth him, wondereth exceedingly: and truly so they may; for though scripturiency be a fault in feeble pens, and that Socrates, the most learned man of his time, set forth no works: yet can none of these two reasons excuse his not evulging somewhat to the publick view, because he is known to have an able pen, whose draughts would grace the paper with impressions of inestimable worth: nor is the example of Socrates able to apologize for him, unless he had such disciples as Plato and Aristotle, who having reposit in their braines the scientifick treasures of their masters knowledge, did afterwards (in their own works) communicate them to the utility of future generations: yet that this Caledonian Socrates (though willing) could not of late have been able to dispose of his talents, did proceed from the merciless dealings of some wicked Auites, Lycons, and Melits of the covenant; the cruelty of whose perverse zeal, will keep the effects of his vertue still at under, till by the perswasion of some honest Lysias, the authority of the land be pleased to reseate him into his former condition, with all the encouragements that ought to attend so prime a man." Tracts, p. 123. Dr. Garden describes him as "Vir egregie literatus, in linguis Orientalibus versatissimus, in Latina & Græca Poëta eximius, ejus varia in utraque scripta adhuc exstant poëmata. Eruditione politiori insignis, cui omnes Authores Classici probe noti ac familiares erant, in quos erudititas conscripsit notas ac emendationes, quæ, cum Vir eximius iniquitate temporum varie jactatus fuerit, intercederunt. Prælectiones habuit Theologicas antiquas quarum quasdam exstant." Vita Johannis Forbesii, § 1. "The many high encomiums," says Dr. Irving, "bestowed on Dr. William Lesley, must excite our deepest regret, that he should have bequeathed so small a portion of his knowledge to posterity. Although he was regarded as a profound and universal scholar, he never courted the fame of authorship." Lives of the Scotch Poets, vol. i., p. 136. Edin. 1814. Dr. Garden has preserved in his life of Dr. John Forbes (§ li.) a learned fragment by Leslie on the writings of Cassiodorus, "Scriptorum Cassiodori accuratior Nomenclatura;" and Latin verses by him are printed in Bishop Forbes' Funeralls, pp. 343, 344.

According to Bishop Keith (Catal. of Scot. Bish., p. 309), Dr. William Leslie was the brother of John Leslie, bishop successively of the Isles, of Raphoe, and of Clogher, father of the excellent and learned Charles Leslie, the author of "A Short and Easy Method with the Deists," and many other admirable works.]

Warning, *anno* 1638,⁽¹⁾ and had disputed against them in his qwerees, so they knew him to be a man most eminent for learning and for pietye; so that they feared it wold be a scandall to depose him. Muche panes was tackne upon him by some of his neer relationes, who stode for the Covenanters, for to draw him to subscrybe; but it wold not bee. Therfor he was convened befor ther comittye, at Marshalls house, and ther interrogated concerning his doctrine and beleefe; to all which he answered so readily, so learndly and orthodoxly, and with such candor and modestye, that the moderator of that comittye was forced to tell him that they had nothing to saye to his lyfe, but that they founde him piouse, learnd, and fully orthodoxe, and to disagree with them in nothing but in poynt of church government; and earnestly beseeched him he wold be pleased to tacke the Covenant, shewing him that it was ther greefe if they wer necessitated for to putt him from his statione upon his refusall.⁽²⁾ He answered them, that he did humbly thanke them for ther undeserved good opinion of him, and that, if they wer pleased, he would obleidge himselfe not to speake nor dispute against the Covenant, and to give ther ordinances practicall obedience; and further, he saide, that, if they could satisfie him in his doubtis, he wold subscrybe it; but he hoped they wold bidde him doe nothing against the light of his conscience. But all this wold not doe; therfor he gott his sentence of depositione, as the rest had gottue befor him; the which he tooke so humbly, that instantly thereafter he declared that [he] wold and had give freelye and mortifyd his dwelling house in Olde Aberdeen, to be a dwelling house to all succeeding professors of divinitye in that universitie; and it is presently possessed by his successor, upon that same very accompt. After his depositione, he was much putt at to subscrybe the Covenant, or bee excommunicate, and hardly could gett licence to stay in Scotland till he did putt his affaires in order; after which tyme he retere

A. D. 1640.

(1) [A Peaceable Warning, to the Subjects in Scotland: Given in the Yeare of God 1638. Aberdene, Imprinted By Edw. Raban, The Yeare aboue written.]

(2) ["Dr. Forbes's ingenuitie," says Baillie, "pleased us so well, that we have given him yet tyme for advyement." Letters, vol. i., p. 248.

"Being set within the earle Marischall's house, Mr. Andrew Ramsay moderator caused call the foirnamed persons. And first, he hegane at doctor Forbes of Corse, and after some queries and answers, no more process past against him at this time, but was continued upon good hopes of his incomeing; but he could on nowayes be moved to subscribe the covenant; wherupon he was also deposed from his place of professor." Spalding, Hist. of Troub., vol. i., p. 233. See Dr. Garden's Vita Johannis Forbesii, §§ lxxxii—lxxxviii.]

A. D. 1640. to Holland, to his ladyes freendes, of the Isle of Walker, and ther so-journed some yeares, with great applause of the learnd professors ther, wher he caused print his most learned worke of his *Instructiones Historico-Theologicae*, and his fathers * *Commentaire* upon the Apocalipse,⁽¹⁾ which, in memory of his father, he had translated into Latine.⁽²⁾ His *Commentaire* upon the Decalouge, and the last four bookes of his *Instructiones Historico-Theologicae* (making twenty in all), he left behynde him, unprinted, at his deathe, in the handes of his neerest freends and executors, and they are expected in printe. His *Irenicum* he worote in his younger yeares, which was very ill tackne by the presbyterian partye in thiose tymes. Some yeares befor his death, he gott licence from the states of parliament of Scotland to come home to Scotland, and stay a whyle for his healthe; but he dyed not long after his home coming, about the yeare 1649.⁽³⁾

* Bishop Patrick Forbesse.

(1) [An Exquisite *Commentaire* vpon the Revelation of Saint Iohn. Wherein, Both the course of the whole Booke, as also the more abstruse and hard places thereof not heretofore opened; are now at last most clerely and evidently explained. By Patrick Forbes of Corse. Lond. 1613. 4to. A second edition appeared abroad in the following year: An learned *Commentaire* vpon the Revelation of Saint Iohn, wherein both the covrse of the whole booke, as also the more abstruse and hard places thereof, are more clerely and evidently explained then heretofore they haue bene. Newly corrected, and the defectes and errors of the first edition supplied and amended. By Patrick Forbes of Cotharis, etc. Middelburg, 1614. 4to.]

(2) [Commentarius in Apocalypsin, cum Appendice, etc. Amstelodami, 1646. 4to.]

(3) [The well known Dr. John Forbes of Corse, the second son of Patrick Forbes, bishop of Aberdeen, was born on the second of May, 1598. He studied at Aberleene, and at several foreign universities, and was appointed professor of divinity in The King's College, in 1620. The Theses which he maintained on that occasion bear the following title: "Disputationes Theologicae, Dvae, habitae in inclyta Aberdonensi Academia in magno auditorio Collegii Regii mense Februario anno 1620. Pro publica SS. Theologiae professione. Respondente Ioanne Forbesio. Edinburgi, Excudebat Andreas Hart. Anno 1620." It appears, from the deed of institution to the professorship, appended to these Theses, that Forbes was called to the ministry in the church of Middleburg, on the fourth of April, 1619. The certificate of this call is subscribed as follows: "Ioannes Forbesius senior, Anglicanae Ecclesiae quae est Middelburgi Pastor; Gerson Bucerus Pastor Ecclesiae Verianae; Gulielmus Tellingus verbi divini minister in Ecclesia Christi quae est Middelburgi; Alexander Makduthus Ecclesiae Scotticanae quae est Veriae Pastor: Ita attestor Enoch Sterthemius Ecclesiastes Middelburgensis." After being deprived of his professorship, in 1641, for refusing to subscribe the National Covenant, Dr. Forbes was, in 1644, obliged to leave his native country, because he would not submit to the Solemn League and Covenant. During his exile, he resided in Holland; and in 1646, was permitted to return to Scotland. He died at Corse, on the twenty-ninth of April, 1648, in the fifty-sixth year of his age. An application which he made, a short time before his death, to the presbytery of Aberdeen, for leave to be buried beside his father and his wife, in Bishop Dunbar's aisle, in the cathedral, was

XXXV. Dr. Robert Barron was deade the yeaere befor,⁽¹⁾ yet somewhat must be done concerning him. They thought him not orthodoxe in some of his tenents; therfor, such of his papers as wer unprinted they must see them, and they must be censurd and purgd. His widdow had retereerd to the Strayla,⁽²⁾ wher she was borne; therfor order was sent to Monroe, with all expeditione, for to searche the place wher she stayd, and send herselfe, and such papers of her husbands as she had besyde her (if ther should be any founde), to Aberdeen, under a sure gward.⁽³⁾ This was readily obeyd

A. D. 1640.

Dr. Robert Barron.

refused; and he was interred in the churchyard of St. Marnan of Leochel. The complete edition of his Latin works, published by the Wetsteins, and edited by Dr. Garden, has been often referred to in these notes. "His learning," says Dr. Irving, "was such as to obtain the warm approbation of those eminent scholars, Vossius, Usher, Morhof, Ernesti, and Cave: and to this it would be superfluous to add any other commendation." *Lives of the Scottish Poets*, vol. i., p. 136.]

(1) [See above, pp. 89, 90.]

(2) [Strath Isla in Banffshire.]

(3) ["Umquhile doctor Barron's wife was, by command of this Assembly, be ane rott of muskattiers brought out of her own house in Strylay, with her husband's preaching papers; whilk being sein be the Assembly, were not found sound. Ther was also brought ther ane missive letter direct be the archbishop of Canterbury to the said umquhill doctor Barron, with two other missives direct to him and umquhill Mr. Alexander Ross, from the bishop of Ross, all tending to the maintenance of Arminianisme, promising therfor reward, and with-all willing them to cause Raban imprint in the Book of Common Prayer some passages of Arminianisme; whilk papers and letters they carried with them, and suffered the gentlewoman to goe." Spalding, *Hist. of Troub.*, vol. i., p. 234.

"Poor Baroun, otherwayes ane ornament of our nation, we found hes been much in *multis* the Canterburian way: great knaverie and direct intercourse with his Grace we fand among them, and yet all was hid from us that they could." Baillie's *Letters*, vol. i., p. 248.

Dr. Robert Baron, a cadet of the house of Kinnaird, in Fife, was one of the most erudite theologians of the seventeenth century.

Bishop Sydserf characterises him as "Vir in omni Scholastica Theologia & omni literatura versatissimus." Gul. Forbesii *Consid. Modest. et Pacif. prae*f.

"Et quis," asks Antonius Clementius, "*Baronium* ignoret, tot Theologorum pridem ac Philosophorum laudibus decantatum? *Philosophiam Theologicam ancillantem* quis est qui non efferat? utilitatem, perspicuitatem extollat?" Baronii *Metaph. Gener. prae*f.

"Hic est ille mellitus Doctor," a contemporary writes, "qui morum suavitate, & elegantia ad omnes promerendos natus est. Hic est ille qui subtilitatem Scraphicam cum summa perspicuitate posse conjungi ostendit. Hic est ille denique qui scriptis inclaruit: & recens in vindicandis contra Adversarium negotiosissimum, Fidei, & divinae scientiae principiis, se eruditionis sacrae finem & perfectionem assequutum arguit." A. Strachani *Panegyric. Inavg. in Avt. Acad. Aberd.*, p. 22.

"Robert Baron," says Middleton, "was a person of incomparable worth and Learning. He had a clear apprehension of things, and a rare facultie of making the hardest things to be easily understood." Appendix to Archbp. Spottiswoode, p. 29.

"Fuit *Robertus Baronius*," Dr. Garden writes, "vir perspicacissimi ingenii, qui singulari praeditus facultate, obscuriora elucidandi, difficilliaque enodandi, difficultatis alicujus nodum ac facilem ipsius evolutionem expedite & acute perspiciebat. Ipse distinctos ac claros de rebus habens conceptus, eos methodica ac distincta expositione aliis intellectuo faciles reddebat. In Theologia Scholastica versatissimus." Vita Johannis Forbesii, § xlii.

A. D. 1640. by Munroe, who made the gentwoman prisoner at the Assemblies instance, and sent her, and all such papers as could be founde besyde her, under a safe convey to Aberdeen; whither she was no sooner come but she

"Dr. Baron," says Dr. Irving, "was one of the chief ornaments of the University of Aberdeen at a time when it abounded with men of ingenuity and learning." Lives of the Scottish Poets, vol. i., p. 135. See also Irving's Lives of Scottish Writers, vol. ii., pp. 32, 49.

He was educated in the University of St. Andrew's, where, as we learn from an anecdote preserved by Clementius, his early proficiency in learning attracted the notice of King James VI.: "De ipso Authore ejusque vita & excessu plura fortasse alias trademus, si necessaria subsidia suppedientur. Labet interim hic attexere, quod à B.M. Parente meo notatum comperio. dum in Andreapolitana Academia studiorum causa versaretur. Narrat ergo in Pugillaribus suis, nostrum hunc *Baronium* imberbem adhuc & admodum juvenem, Anno CLO CXVII coram Rege *Jacobo*, & frequentissimo Auditorum coetu, summa ingenii ac judicii dexteritate Disputationem sustinuisse de materia miscelli generis, maxime Politica. Regem inter hæc vultu in *Baronium* defixo, singularem attentionem atque admirationem præ se tulisse. Tandem in verba erupisse, *Baronium* interrogasse ut sibi vellet exhibere demonstrationem certae ejusdam Theseos, (quæ fuerit, non possum scire); quæ ab Adolescente accepta, palam & illum et illum laudavit, pluraque in eandem rem adiecit, omnia Latino sermone: admirantibus cunctis, tum singularem Maximi Regis affectum & benevolentiam, tum ipsius Adolescentis miram jam illa ætate sagacitatem ac promptitudinem."

After having for a short while professed philosophy at St. Andrews, Baron was called on to succeed Patrick Forbes of Corse, as minister of the parish of Keith. In 1624, he was translated to a pastoral charge in Aberdeen, where he was shortly afterwards, on the foundation of that chair, appointed professor of theology in Marischal College. At the beginning of the troubles, he fled to Berwick, where he died, in 1639, having been a short time previously nominated to the bishopric of Orkney. The latter years of his life seem to have been weighed down by sickness and infirmity. In 1631, the town council dispensed with his preaching in the kirk, on account of his bodily weakness. (Counc. Reg., vol. lii., p. 40.)

The following is as complete a list of Dr. Baron's writings as the Editors have been able to furnish:

1. *Philosophia Theologiae Ancillans, hoc est, Pia & sobria explicatio Quaestionum Philosophicarum in Disputationibus Theologicis subinde occurrentium.* Avctore Roberto Baronio, Philosophiae Professore, in illustri Collegio S. Salvatoris. Andreapoli, Excudit Eduardus Rabanus. Universitatis Typographus. 1621. Cvm Privilegio. 8vo. Oxoniae, 1641, 8vo. Amstelodami, 1649, 12mo.: "*et*," says Antonius Clementius, "*in Belyio sapiens, in 12.*" The first part of the work is dedicated to the archbishop of St. Andrews; the second to Alexander Gladstane, archdeacon of St. Andrews; and the third to Sir John Scot of Scotstarvet. Prefixed to the volume are two commendatory poems: the one addressed "Du. R. Baronio, quondam discipulo suo," and subscribed "H. Danskins, amoeniorum literarum professor Andreap.;" the other signed "Iacobvs Glegivs, humaniorum literarum professor Taodvini." Henry Danskin is one of the contributors to the *Delitiae Poetarum Scotorum*.

2. *Disputatio de Authoritate S. Scripturae, seu de Formali Objecto Fidei.* Abredoniae, 1627, 4to. This treatise, says Dr. Garden, "ediderat Baronius cum S.S. Theologiae Doctor renunciatus est." Vita Johannis Forbesii, § xliii. It was assailed by George Turnbull, a learned member of the Society of Jesus, and professor of theology at Pont-a-Mousson, in a work published at Rheims, in 1628, with the title of "*De Imaginario Circulo Pontificio, contra Baronium.*"

3. *Ad Georgii Turnbulli Tetragonisnum Pseudographum Apodixis Catholica, sive Apologia pro Disputatione de Formali Objecto Fidei.* Abredoniae, 1631, 8vo. This work is

must delyer the key of her husbands librarrye, that it might be searched for manuscriptts and letters. Some letters wer founde wryttne by the bishopp of Rosse, concerninge the printing of the Booke of Canons, and a

A. D. 1640.

dedicated to Bishop Patrick Forbes, and commendatory verses by Dr. Arthur Johnstone and Dr. William Johnstone are prefixed to it. Turnbull published in reply, "Sententia Juris in Calumniatorem, contra Baronium. Remis, 1632." "How much," says Sir Thomas Urquhart, "the Protestant faith oweth to Doctor Robert Baron for his learned treatises (against Turnbull the Jesuite) *de objecto formali fidei*, I leave to be judged by those that have perused them." Tracts, p. 122. Arthur Johnstone has two copies of verses, "De diatriba Roberti Baronii D. Theologi adversus Trumbullium." Art. Ioustoni Poemata, p. 376.

4. Disputatio Theologica, De vero discrimine peccati mortalis & venialis, deque impossibilitate implendi legem Dei ob quotidianam peccatorum venialium incurSIONem. Cui Annexa est Appendix de possibilitate praestandi legem consideratam secundum Evangelicam. Authore Roberto Baronio, Ecclesiaste Abredonensi, S.S. Theologia Doctore, et ejusdem in Academia Marescallana Professore. Abredoniae, Excudebat Edwardus Rabanus, 1633, 8vo. Amstelodami, 1649, 12mo. This treatise is dedicated by the author to Sir Paul Menzies of Kynmurdie, the provost, and to the other magistrates and the town council of Aberdeen. It was printed at their charge: the expense, it appears, amounting to nearly one hundred and eleven pounds Scots, of which twenty-one pounds were paid for the paper, "sevy'n rym coft from Robert Cruickshank." Aberdeen Council Register, vol. lii. p. 115., and the City Treasurer's Accounts for 1633. The work called forth an answer from William Chalmers, or Camerarius, a member of the Society of Jesus.

5. A Sermon, Preached at the Funerall of the R. R. Father in God, Patricke Forbes, Late Lord Bishop of Aberdene, In the Cathedrall Church of that Dioces, the 9 of Aprill, 1635; by Robert Baron, Doctor and Professor of Divinitie, and one of the Ministers of God's Word in the Burgh of Aberdene. This is printed in Bishop Forbes' Funeralls, pp. 1—58.

6. Rob. Baronii, Theologi ac Philosophi celeberrimi, Metaphysica Generalis. Accedant nunc primum quae supererant ex Parte Speciali. Omnia ad Vsum Theologiae accommodata. Opus Postumum Ex musæo Antonii Clementii Zirizaei. Londini, Ex Officina J. Redmayne, n. d. 12mo. The preface is dated from Zirizee in Zealand, the fifteenth of February, 1657, and the work was doubtless published in that year. Dr. Irving refers to an edition in 8vo. published in Leyden also in 1657. And a third, in 12mo., appeared at London in the following year, bearing this imprint: Londini, Ex Officina R. Danielis, & vaneunt apud Th. Robinson & Ri. Davis Bibliopolas Oxonienses. 1658. Dr. Watt, in his Bibliotheca Britannica, enumerates a fourth edition, at Cambridge, in 1685. 8vo.

There is preserved in a volume of tracts, in the library of The Marischal College [N. 5. 10.] a fragment, consisting of sixteen pages in small quarto, evidently printed by Edward Raban, and, so far as can be determined from internal evidence, written by Dr. Baron. It is entitled

7. An Epitaph, Or Consolatorie Epistle, Vpon the death of the sayd Young Man: Written to his Mother, By M. R. B. Preacher of the Evangel.

The works which Baron left behind him in manuscript seem to have been numerous. The following are enumerated by Dr. Garden:

8. Disputationes Theologicae de Triplici Homini Statu. This is preserved in the library of The King's College, and extends to two hundred and twelve pages.

9. Isagoge ad saaiorem doctrinam de Praedestinatione & de Articulis annexis.

10. Tractatus de Antecedentibus seu Dispositionibus praevis ad Justificationem, deque vero discrimine Vocationis & Sanctificationis.

11. Disputationes quaedam Theologicae, Ia. De Regula Fidei principali. [This is preserved in the library of The King's College.] IIa. De visibili & ordinario Controver-

A. D. 1640. timber peece of *tailly du pierre*, wherupon was cut the Kings armes, to be printed into the frontispiece of that booke. Thes letters wer publickly reade in the Assemblye, as if they had imported something very extraordinary; but ther was none present to ansuer for them. Only the printer, Edward Raban, ane Englishman, was calld upon; and because they could not formally challendge him for printing the bishoppes canons, therfor it was objected that he had manked ane common prayer in a new editione of the psalm booke, which some yeares befor he had printed, in a large octavo.⁽¹⁾ It was a forme of ane evning prayer, whence he had tackne of the conclusion for want of paper, it being the closure of the last sheete of the booke. Ther wer other coppys of that prayer readde, and they wold

siarum Judice. IIIa. De Monarchia, Suprematu, & Judicaria Infallibilitate Pontificis Romani. IVa. De Ecclesia Christi in terris militante. The contents of this last tract, which the author left unfinished, are more particularly indicated by Garden, *Vita Johannis Forbesii*, § xliii.

12. *Septenarius Sacer de Principiis & Causis Fidei Catholicae*. This is preserved in the library of The King's College, and extends to one hundred and twenty-six pages.

Besides these, Charteris (who calls him "very learned in the scholastick theology, and deservedly judged to be inferior to none of the Protestants in that kind of learning,") attributes to Baron other two works, "*De Scientia Media*," and "*Disputatio de Universalitate Mortis Christi, contra Rheterfortem*." Maidment's *Catalogues of Scottish Writers*, p. 23. But these are, perhaps, merely parts of some of the treatises enumerated by Garden. The latter work was directed against the well-known Samuel Rutherford, who, in his letters from Aberdeen, makes several allusions to his controversy with Baron: "Dr. Barron hath often disputed with me, especially about Arminian controversies and for the Ceremonies: three yokings laid him by; and I have not been troubled with him since: now he hath appointed a dispute before witnesses.....I am openly preached against in the pulpits, in my hearing, and tempted with Disputations by the Doctors, especially by D[octo]r B[aron].....I am here troubled with the disputes of the great Doctors (especially with D[octo]r B[aron] in ceremoniall and arminian controversies, for all are corrupt here). Mr. Rutherford's Letters, The Third Edition, Now divided in three Parts, pp. 48, 180, 221. Printed in the year 1675. 8vo.

13. *Consilium Philosophicum*. This occurs in an imperfect list of Baron's works prefixed to the edition of his *Metaphysica Generalis* which appeared at London in 1658. The same catalogue mentions, among the printed works of Baron, "*Metaphysica Generalis, cum Reliquis Partis Specialis*, in 8." alluding apparently to some less perfect edition of the *Metaphysica Generalis* than that to which the list was prefixed.

Arthur Johnstone has addressed more than one of his poems to Dr. Baron: "*Ad D. Robertum Baronium Theologum de obitu filii*," (*A. Jonstoni Poemata*, p. 182), and "*Ad Robertum Baronium*," (*Id.* p. 308). In the following epigram by the same poet (*Id.* p. 365) he is commemorated, along with the bishop of Edinburgh: "*De Gulielmo Forbesio & Roberto Baronio, Theologis Abredonensibus*:"

" Nil, quod Forbesio, Christi dum pascit ovile,
Nil, quod Baronio comparet, orbis habet.
Eloquio sunt ambo pares; discrimen in uno est;
Quò lubet, hic mentes pellicit, ille rapit."

⁽¹⁾ [See above, vol. ii., p. 128, note (2).]

needs have the printer confesse that he had throwne away all that clause out of designe, or by warrant of some of the ministers of Aberdeen. The printer protested solemnly, that what he did was of himself, and was done for want of paper; and simply that if they wer offended, he craved them humble pardone; that he could instance that, except in that copy, he had never omitted to print the conclusion of that evning prayer in any other edition of the psalmes in meeter, and should never omitte it againe. So, after a rebooke for his rashnesse in curtailing a prayer, he gott licence to be gone, without furder censure.

XXXVI. Dr. William Forbess (of whom befor) who had been bishopp of Edinburgh some yeares befor, and dyed ther the first yeare after his entrie, was now mentioned. His memory was hatefull to them, as being a man anti-presbyterian to the outmost, and one who in his lyfe tyme, whilst he was minister of Edinburgh, had been accused for heterodox doctrine (preached publickly in Edinburgh) by one William Ridge,⁽¹⁾ a great precisian accompted in thes tymes, so farr as to affect a singularitye in his apperell, (which gave ocasion to one who was none of the wysest to tell him, upon a tyme, that his religion and his breeches wer both out of the fashione.) This William Ridge, as he had persecuted Dr. William For-

A. D. 1640.

Dr. William Forbes' writings accused by William Ridge of heterodoxy. Mr. J. Kempt.

(1) [William Ridge, or Rigg, of Athenrie, one of the baillies of Edinburgh. It was represented to the King, in 1624, "that he was the chief Ring-leader of the Non-conformitants in *Edinburgh*, and that he contributed liberally to the printing of books, which crossed the course of conformitie." Calderwood, p. 812. "Upon Thursday the 25. of *March*, [1624] Doctor *Forbes* in the Session denounced heavey judgements against some of the Elders and Deacons; because they refused to attend upon the Celebration of the Supper. To *John Dickson* he said, ye want wit, ye should be catechized, ye are an ignorant, and get too much libertie to censure the Doctrine of your Pastors. *James Nearne*, ye must be catechized, ye are an ignorant, a recusant, ye should be punished, ye are a bairne, howbeit ye have hair upon your face, and must be catechized. To *John Smith*, ye are a bairne, ye should not speak, but be catechized. To *William Rigg*, Bailiff, ye are a debaucht vagerer, ye should be catechized. The Bailiff answered, he had been Catechized by very honest, worthie & learned men, of whom some were with the Lord, and some were yet alive. *Mr Forbes* replied, he was learnerd then any of them, and would Catechise them that Catechised him; they were but mercenarie men and pensioners. Bring out your *Ganahiel*, said he, produce him, if ye have any in your house, that we may see him. The Bailiff answered, they were frier of these imputations, than himself. O master Bailiff, said he, O master *Rigg*, a great Magistrat, O a great Clerik. In end he had them all come down to the *Magdalen Chappell*, that he might Catechize them, and threatened they should smart. Many moe speeches he uttered, as if he had been bereft of his wits, for calling his Doctrine in question at the publick meeting two days before." *Id.* pp. 804, 805. "Upon the seventh of *June* [1624] the King directed [a committee of the Privy Council] to deprive *William Rigg* of his Office, to fine him in fifty thousand pounds, to ward his Person in *Blackness Castle*, till the summe were payed, and after to confine him in *Orkney*." *Id.* p. 808. This sentence, it appears, was afterwards considerably modified.]

A. D. 1640. besse living, so, at this tyme being a ruling elder at the Assembly of Aberdeene, he resolves to persecute his memorye, and, as farr as lyes in his power, for to suppress the workes that Dr. Forbesse was saide to have left behynde him; for ther was a report that he had wryttne a booke, in which he strove, as farr as was possible, for to reconceile the differences betuixt the protestants and papistes. The Assembly will have it enquiryed after, and all the young men expectants about Aberdeen are questioned what they knew of such a booke. The ministry lyckways are examined, and it was answered by some present that such a booke ther was extant, in manuscript, in severall handes. Amongst others, upp standes one Mr. Johne Kempe, a cittizen of Aberdeen, who had spent his stocke and was turnd preacher,⁽¹⁾ and tells them he had a copy therof besyde him. William Ridge is employd for to goe fetche it, who had offered himselfe to that service, and withall to goe searche Dr. Robert Barrons study, if any such manuscript could be founde therin; which instantly he did, and brought, into triumphant manner, a couple of coppies into the Assembly house; one delyvered by Mr. Johne Kempt, who gott the thanks of the house for his ingenuitye; and another founde amongst Dr. Barrons librarye. Ther was lyckwayes founde another booke, much to the same pourpose, wryttne by one Warnesius.⁽²⁾ Warnesius booke was lyckwayes publicly exhibited, and thes bookes wer putt into the handes of the moderator,⁽³⁾ to be perused, and to some others, who failed not for to suppress the coppies of Dr. Forbesse booke so; that it was esteemed as dead as the author, till the yeare 1659, in which yeare, beyond all mens expectatione, it came out in printe at Londone,⁽⁴⁾ and since has been publicly sould by the stationers

(1) [Probably the same person who is mentioned by Spalding, *Hist. of Troub.*, vol. i., pp. 145, 232; and who appears among the contributors to Bishop Forbes' Funeralls, pp. 396, 397.]

(2) [The work alluded to was afterwards published at Oxford from a collation of three manuscripts belonging to Archbishop Sancroft, the Earl of Anglesey, and the Dean of St. Pauls. It is entitled, "Catholico-Romans Pacificus. Auctore Joanne Barnesio, Benedictino Anglo. Oxoniae, E Theatro Sheldoniano Anno MDCLXXX." In a short preface, some account is give of the author's unhappy fate.]

(3) [See Appendix, No. III.]

(4) [*Considerationes Modestæ et Pacificæ Controversiarum, de Justificatione, Purgatorio, Invocatione Sanctorum et Christo Mediatore, Eucharistia. Per Gulielmum Forbesium S.T.D. & Episcopum Edenburgensem Primum. Opus Posthumum, diu desideratum.* Londini, MDC LVIII. 8vo. A more accurate edition appeared at Helmstadt in 1704: and a writer in the *Biographie Universelle* (t. xv. p. 237), mentions a third at Francfort-on-the-Maine, in 1707.]

in Scotland, to the great offence of the presbyterians; but William Ridge was deade befor it appeared againe.⁽¹⁾ That booke was published by the care of bishop Thomas Sydserfe, to whom the dying author delyvered a cōpye, bidding him macke any use of it that he pleased. That manuscriptt did runne all the hazards that bishop Sydserfe endurd, till such tyme as all being in confusione, without oppositione he gott it printed at Londone, by the oversight of some of his freendes ther: A booke which speakes the authors great reading and learning; as indeed he was one of the learnedest men and the most eloquent preachers in his age, or that ever Aberdeen, the nursery of so many great spiritts, ever brought forth.⁽²⁾

A. D. 1640.

(1) [He died before the eighteenth of April, 1644. Inquisitiones Generales, 2970.]

(2) [Dr. William Forbes was born, at Aberdeen, in 1585. His father was of the family of Corsindae, and his mother was sister of an eminent physician, Dr. James Cargill. He was educated in The Marischal College, and resided for some time at several of the continental universities, and at Oxford. He was successively minister at Alford, at Monymusk, and at Aberdeen; and, in 1618, was appointed principal of The Marischal College. He was subsequently, for some time, one of the ministers of Edinburgh; but his zeal for episcopacy and liturgical observances, rendered him unpopular among the inhabitants of the capital. He therefore gladly accepted an invitation to resume his former office as one of the ministers of Aberdeen, where his principles were more in accordance with those of his flock. When Charles I. visited Edinburgh, in 1633, Dr. Forbes preached before him. The King was so pleased that he declared the preacher to be worthy having a bishopric created for him. This circumstance, no doubt, along with his acknowledged ability and uprightness, led to his nomination as first bishop of Edinburgh, on the creation of that see. He was consecrated in February, 1634, but did not long survive his promotion. He died on the 11th April following, and was interred in the cathedral of St. Giles, where a monument was erected to his memory, with an inscription, a copy of which will be found in Maitland's History of Edinburgh, p. 184. A brief memoir of Dr. Forbes was prefixed to his *Considerationes Modestae et Pacificae*; and a more extended biography of him may be found in Dr. Irving's *Lives of Scottish Writers*, vol. ii., p. 1—10. An engraving from a contemporary portrait of the learned prelate is given in Pinkerton's *Iconographia Scotica*, Lond. 1797. Besides the posthumous work mentioned in a preceding note, he wrote *Animadversions on the Works of Cardinal Bellarmine*. These, after his death, came into the possession of Dr. Baron, who intended to prepare them for the press; but they disappeared during the subsequent troubles, and have not since been discovered. Sir Thomas Urquhart, who says that he was "so able a scholar, that since the days of *Scotus Subtilis*, there was never any that professed either divinity or philosophy in Scotland, that in either of those faculties did parallel him," adds, that "he left manuscripts of great learning behind him, which as I am informed were bought at a good rate by Doctor Laud late Archbishop of Canterbury." Sir T. Urquhart's *Tracts*, p. 133. Writers of almost every class have united in acknowledging the learning and the piety of Dr. William Forbes.

"Scientiarum is est Oceanus," a contemporary writes, "eruditionis abyssus. quod de suo Sealigero dicebat vir clarissimus D. Heinsius: βιβλιοθήκη ἡμετέρη, καὶ σφραγιστοί, quod de Dionysio Longino dicebat Eunapius. In Bibliotheca, quam habet instructissima, nullam se doctorem schedam agnoscit: & tamen non mavult quicquam scribere, quam scire. Nescio an Theologum majorem oculis hic mundi viderit. Meliorem certe virum haec aetas non tulit. Natus videtur, & ad Regiae hujus Academiae, & ad Collegii Mareschallani (cujus aliquando

A. D. 1640.

Eulogium of
the Aberdeen
Doctors.

XXXVII. Thus the Assemblyes errand was throughly done; these eminent divynes of Aberdeen, either deade, deposed, or banished, in whom fell mor learning then was left behynde in all Scotland besyde, at that tyme. Nor has that cittye, nor any cittye in Scotland, ever since seene so

Gymnasiarcha fuit dignissimus) ornamentum & commodum." A. Strachani Panegyric. Inavg, in Avt. Acad. Aberd., p. 19.

"He was," says Middleton, "a person of rare Endowments, vast Learning, and a celebrated Preacher. He was indeed a most holy person, of whom all that ever knew him give this Character, that they never saw him but they thought his heart was in heaven. He was indeed a fit pattern to all that should come after him." Appendix to Archbp. Spottiswoode, p. 29.

"Il estoit," says Arnauld, "le plus modéré & le plus equitable de ces Evêques pacifiques, qui souhaitant que les Protestans & les Catholiques eussent pu se reunir, ne faisoient nulle difficulté de se declarer pour les Catholiques contre les Calvinistes, quand ils croioient que les Calvinistes avoient tort, comme celuy-cy l'a cru en plusieurs des points de controverse qu'il a traite." Arnauld, Calvinisme convaincu de nouveau, p. 120, cited by Bayle, Dictionnaire Historique et Critique, tome ii., pag. 487, edit. Basle, 1738.

"He was a grave and eminent divine," says Bishop Burnet: "my father, that knew him long, and being of council for him in his law-matters, had occasion to know him well, has often told me that he never saw him but he thought his heart was in heaven, and he was never alone with him but he felt within himself a commentary on these words of the apostles, 'Did not our hearts burn within us, while he yet talked with us, and opened to us the scriptures?' He preached with a zeal and vehemence that made him forget all the measures of time: two or three hours was no extraordinary thing for him; those sermons wasted his strength so fast, and his ascetical course of life was such, that he supplied it so scantily that he dyed within a year after his promotion; so he only appeared there long enough to be known, but not long enough to do what might have been otherwise expected from so great a prelate. That little remnant of his that is in print shews how learned he was. I do not deny but his earnest desire of a general peace and union among all Christians has made him too favourable to many of the corruptions in the Church of Rome: but tho' a charity that is not well ballanced may carry one to very indiscreet things, yet the principle from whence they flowed in him was so truly good, that the errors to which it carried him ought to be either excused, or at least to be very gently censured." Burnet's Life of Dr. William Bedell, pref. Lond. 1685.

"Bene autem factum," writes Dr. Grabe in a note on Bishop Bull's *Harmonia Evangelica*, "quod doctissimus auctor plerosque, non omnes, Protestantium Doctores, hujus erroris accusavit: quippe aliqui rectius hac in parte senserunt, quorum nomina partim, partim verba adduxit, is, quem semper tanquam egregium in hac alisque pluribus controversiis moderatorem, et vere apostolicum Edinburgensis Ecclesiae Praesulem, summopere veneratus sum, Gulielmum Forbesium dico, in Considerationibus Pacificis ac Modestis, lib. iv. de Justificatione, cap. 2." Dr. Burton's Edition of Bishop Bull's Works, vol. iii., p. 43.

"Vir," says Dr. Garden, "vitae sanctimonia, humilitate cordis, gravitate, modestia, temperantia, orationis & jejunii frequentia, honorum operum praxi, industria pauperum cura, clinicorum crebra visitatione & consolatione, & omnifaria virtute Christiana, inter optimos primitivae Ecclesiae Patres annumerandus. In concionando ad populum fervens, adeo ut Auditorum mentes & affectus raperet, doctrinâ & eruditione insignis, sublimato pollens judicio, memoria etiam tenacissima (de quo vulgo dictum, quod ignoraret quid sit oblivisci). Veritatis & Pacis amantissimus, ac proinde rerum controversarum momentis acutissime expensis & pensatis, nulli parti addictus, partium lites componere, saltem mitigare satagebat." Vita Johannis Forbesii, § xli.

many learned divynes and scollers at one tyme together as wer immediatly befor this in Aberdeene.⁽¹⁾ From that tyme fordwars, learning beganne to be discountenanced, and such as wer knowing in antiqwitye and in the wryttings of the fathers, wer had in suspitione as men who smelled of

A. D. 1640.

His friend, Dr. Arthur Johnstone, has commemorated him in the following epigram,
"De Gulielmo Forbesio, D. Theologo.

Omnia mel vincit dulcedine, sidera lucem
Præ reliquis, robur missile fulmen habet.
Eloquium si quis Forbesi comparet istis,
Mel fatuum, nigra sunt sidera, fulmen hebes."

A. Ionstoni Poemata, p. 364. His son Andrew became "professor of humanity in the town of St. Jean D'Angel, near the town of La Rochelle." Maidment's Catal. Scot. Writ., p. 124.]

(1) [The Doctors of Aberdeen, says Bishop Guthrie, "for their enmity in learning were famous not only at home, but also throughout other churches abroad." Memoirs, p. 38.

Clarendon commemorates the "many excellent scholars and very learned men" under whom the Scottish "Universities, especially Aberdeen, flourished." Hist. of Rebell., vol. i., p. 145.

Archbishop Laud tells Mr. Alexander Henderson "he should do well to let *Canterbury* alone, and answer the learned *Divines* of Aberdeen; who have laid him and all that *Faction*, open enough to the *Christian* World, to make the memory of them and their Cause, stink to all Posterity." H. Wharton's History of Laud's Troubles and Tryal, pp. 112, 113.

Bishop Patrick Forbes, says Burnet, "took such care of the two colleges in his diocese, that they became quickly distinguished from all the rest of Scotland: so that when the troubles in that church broke out, the doctors there were the only persons that could maintain the cause of the church; as appears by the papers that past between them and the covenanters. And though they begun first to manage that argument in print, there has nothing appeared since more perfect than what they writ. They were an honour to the church, both by their lives and by their learning; and with that excellent temper they seasoned that whole diocese, both clergy and laity, that it continues to this day very much distinguished from all the rest of Scotland, both for learning, loyalty, and peaceableness." Life of Bedell, pref.

"These," says the genealogist of the Gordons, "were then the Ministers of *Aberdeen*, famous then, yet, and ever will be, for their eminent Learning, Loyalty, and Piety. While they were allowed to live there, there was no such cry heard in the streets of that then loyal City, *To your Tents, O Israel!* the common Cant then of the Covenanters. They were faithful Pastors; they led their Flocks to quiet Waters; they fed them with wholesome Food, brought from the Scriptures, and the Practice of the primitive Christians. They had read most exactly the Writings of the antient Fathers in their own Language (untranslated now, because unknown to the present Teachers in that City.) They knew the Practice of the primitive Christians, in the Time of their hottest Persecutions by the heathen Emperors. They taught their People to obey the King as Supreme, and those subordinate to him for Conscience sake, and not to rise up in arms and rebel for Conscience sake, as the Covenanters did. They were affectionate Fathers to their Flocks: They taught them in the Words of the wise Man, *My son, fear GOD, and honour the king, and meddle not with those who are given to change*; and as they taught, so did they practise. In fine, the learned Works they left behind them, will continue their Fame, all the learn'd World over, as long as Learning is in any Esteem. Notwithstanding all which, neither their Learning nor Piety were sufficient armour to defend them from the Fury of the Covenanters, who most barbarously used them, all of them hereafter being deposed from their Ministry, turn'd out of their livings, and some of them obliged to fly abroad, and seek their Bread in a foreign Land. And thus did the Covenanters begin their Work of Reform-

A. D. 1640. poperye, and he was most esteemed of who affected novellisme and singularity most; and the very forme of preaching, as wealle as the materials, was chainged, for the most pairt. Learning was nicknamed human learning, and some ministers so farr cryed it doune in ther pulpitts, as they wer heard to saye, "Downe doctrine, and upp Chryste." But mor of this afterwarde possiblye.

Other masters
of the two col-
leges.

XXXVIII. All the rest of the members and maisters of the two colledges either conformed, or wer protected by one meanes or other, and kept ther stations, except such as voluntarily forsooke ther places and professione; yet the comissione to visite was continowd.

Mr. John Gre-
gory.

XXXIX. The countrey ministers wer next called in questione. Mr. Johne Gregory his fault was mostly his refoosal to subscribe the Covenant; and he was referred for censure to the assembly provincially of Aberdeen, wher his suspension was to be tackne off as they saw cause.⁽¹⁾

mation in the *North of Scotland*." History of the Illustrious Family of Gordon, vol. ii., pp. 218, 219.

"Quantum autem Ecclesiam Aberdonensem Episcopus hic [Patricius Forbesius a Corse], quantum Universitatem Aberdonensem Cancellarius hic auxerit & ornarit, dicere in proclivi non est: Almam Matrem jacentem attollens, unisque amplexus benignus fovit; artus collapsos & amputata Membra mirâ dexteritate unit, medicâque manu sanos & integros restituit. Illi aedes quas incoleret instaurandas, census & annuos redditus quibus aleretur, partim redimendos, partim confirmandos, summo cum labore curat. Cuncta quae nuper tenebris, situ & torpore squalabant, erexit & correxit, luce & calore suo vitali cornuca & vegeta effecit. Exinde efflocta Mater juvenescere, foecunda natorum progenies sobolescere, languentes Musae reviviscere, & torpentia liberalium artium studia hic iterum revirescere coeperunt. Ita hujus auspiciis nata est aurea illa actas literarum Aberdonensium in qua floruerunt viri egregie docti & pii, praeclugidæ stellæ ex aureo hoc sidere ortæ." Donaldes: sive Musarum Aberdonensium de eximia Jacobi Fraserii. J. U. D. In Academiam Regiam Aberdonensem munificentia, Carmen Eucharisticum. Notis illustratum, etc. Auctore Joanne Ker, Graec. Litt. Prof. in Acad. Reg. Aberdon. p. 20. Edinb. 1725. 4to.

"The University of Aberdeen," says the laborious Chalmers, "could then boast of several doctors, with Baron at their head, who were celebrated by Clarendon for their fortitude, and praised by Burnet for their temper, as well as their learning. These extraordinary scholars have not yet been surpassed in their knowledge of theology." Caledonia, vol. i., p. 884. "Nor," says the same author elsewhere, "is it easy to find a single person of any consequence in Scotland, who can fairly be considered guiltless of the ruin of their country; so general were the delusions of the covenant; all but *The Doctors* of Aberdeen, who are so emphatically commended by Clarendon, for the superiority of their learning and the firmness of their spirit." *Id.*, vol. ii., p. 693.

The loyalty of the Doctors of Aberdeen was remembered at the Restoration. In June, 1661, Parliament voted to the relict and children of Dr. Baron, two hundred pounds; to the relict and children of Dr. Sibbald, two hundred pounds; to the relict and children of Dr. Ross, one hundred and fifty pounds. Acts Parl. Scot., vol. vii., app., p. 78.]

(1) [Mr. John Gregory, the first of a family singularly distinguished for the many learned and scientific writers whom it has produced, was, according to Spalding, deposed by the Aberdeen Assembly of 1640, but was reponed by the Assembly which met at St. Andrew's in the succeeding year. He survived till about the year 1652.]

XL. Mr. Johne Rosse of Birse was accused for some personall escapes, wherein he was founde to be calumniat by his enemyes. His fault was non-subscriptione, but with teares (for what cause they wer shedd, it is uncertane), upon his cheekes, he offered to subscribe; and so his sentence contentowd, and he referred to his aune provinciall.⁽¹⁾ A. D. 1640.
Mr. John Ross.

XLI. Mr. Andrew Logy, minister at Raine, [was] accused for anti-Covenanting, and that he had carryd cholerickly and imperiously in his parishin, readye upon all ocasions to sqwable with his parishoners (of whom ther wer some at that tyme of a qwarellsome and tumultuary humor). Some of his parishoners* who wer summoned to beare witnesse, refoosed to depone till they gott assurance that he should be depryved, if they tould the truth: For, said theye, if we declare what we know, and yow deprive him not, it will be impossible for us afterwards to live in qwyett besyde him. This was acquivalent to a depositione; yet they gott assuraunce he should be depryved, if all wer provne whairof he was accused. The result of his processe was that he was suspended, then depryved of his ministrie, and shortly after, by the mediatione of Generall Leslye (who was Mr. Andrew Logy his wyfes kinsman) he was reponed;⁽²⁾ yet, upon new jealousyes, not long after deprived againe,⁽³⁾ and never restored during his lyfe till *anno* 1661, after the returne of King Charles the Second, upon the transplantation of the then incumbent of Raine, he was for the third tyme restored to his oune place, in his old age. In his younger yeares, he had been bredd under Daniel Tilenus, in Sedan;⁽⁴⁾ and after his returne unto Scotland, settled in the archdeanrye of Aberdeene: No evill man, yet one whoise

Mr. Andrew Logie suspended; and then deprived; reponed, deprived again; and a third time reponed.

(1) [Ross, it appears from Spalding, was afterwards reponed in his benefice. Among the unprinted acts of the General Assembly of 1647, is one entitled "Ref. Master John Rosse at Birse, to the Synode of Aberdene." Records of the Kirk, p. 483.]

* Patrick Leeth in Kirketoun.

(2) [In the General Assembly which met at St. Andrews in 1641.]

(3) [By the General Assembly which met at Edinburgh in 1643. Records of the Kirk, p. 341. "Mr. Andrew Logie," says Baillie, "who latelie had been reposed to his ministrie, being cited to answer many slanderous speeches in pulpit, not compeiring, bot by an idle letter to the Moderator, was deposed, without return to that Church for ever." Letters, vol. ii., p. 92.]

(4) [Daniel Tilenus, for some time the colleague of Mr. Andrew Melville in the profession of theology at Sedan, was born at Goldberg, in Silesia, in 1563, and died at Paris in 1633. He is the author of the following, besides several other works: "De Disciplina Ecclesiastica Brevis et Modesta Dissertatio. Ad Ecclesiam Scoticam. Autore Gallo quondam Theologo, Verbi Divini Ministro. Aberdoniae, Excudebat Eduardus Rabanus, Impensis Davidis Melvill. 1622. Cum Privilegio."]

A. D. 1640. chollricke humor shewed oftne rather want of staydnesse then learning. When he was accused, it was objected to him, be waye of taunt, by some who wer present, that he had been Tillens scoller, whom they fancyd not.⁽¹⁾

Mr. Richard
Maitland.

XLII. Mr. Richard Maitlands accusatione was, that he had boasted to the compliyanee with the Service Booke, and other innovations; also, that he had caused macke a great founte stone, and sett it upp in his parish

(1) [Mr. Andrew Logie, parson of Rayne and archdeacon of Aberdeen, is the author of the following work: "*CUM BONO DEO*. Raine from the Clovds, vpon a Choicke Angel: Or, A returned Answer, to that common Quaeritur of our Adversaries, *Where was your Church before Luther?* Digested into severall Meditations, according to the difference of Points. Extorted off the Author, for stilling the vncessant, and no lesse clamorous Coassation of some Patnicke Frogges, against the lawfulnessse of our Calling. MATTE. xxi. vers. 23. &c. And when *Hee* was come into the Temple, the chiefe Priests, and Elders of the People, came vnto Him, as he was teaching, and sayd; *By what authoritie doest Thou these things? and who gane Thee this authoritie?* Aberdene, Imprinted By Edward Raban, Dwelling vpon the Market-place, at the Townes Armes, 1624. *Cum privilegio*." It is dedicated by the author who subscribes himself "Arch-Deane of Aberdene," to "the right worshipfull, and trvelie religiovs, Sr Alexander Gordon of Clunie, Knight." Prefixed are three commendatory poems, one in Latin, by David Wedderburn; another in English, by Thomas Cargill. From the third, which is anonymous, we learn that the work was written in answer to the famous George Leslie, better known by his monastic appellation of Father Archangel. The analysis of Lord Hailes (Annals of Scot., vol. iii., pp. 461—485, edit. Edinb. 1818), may have made the English reader familiar with the singular memoir of this zealous monk, written by the Archbishop of Fermo. The work appears to have been first published in 1650: it went through many editions. One of the most complete bears the following title: "*Le Capvein Escossois ov la vie dv Pere Archange, Histoire Merveilleuse & tres-veritable, arriuee de nôtre temps. Ov l'on void les motifs qui l'ont porté à quitter la Religion pretendue Reformee, & à se resondre à perdre tous les grands biens qu'il pouoit esperer de ses parens, pour suiure la Religion Catholique. Tradutte de l'Italien de Monseigneur Jean Baptiste Rinnucci, Archeuesque & Prince de Fermo. Par le R. P. François Barrault, Procureur general des PP. de la Doctrine Chrestienne, resident à Rome. Renueë, corrigee & augmentee en la presente Edition, d'une sixieme Partie, qui contient les choses les plus remarquables arriuees à sa mort. A Paris, En la Boutique de Langelier. Chez Jean Gignard le pere, au premier Pillier de la grande Salle du Palais, au Sacrifice d'Abel, M.DC.LXIV. Avec Priuilege du Roy, & Approbation.*" 12mo. The genealogist of the Leslies truly remarks of this work, that its author (who is not, however, responsible for the fictions which are crowded into the later editions), "*plus ostendendae nonnunquam eloquentiae, quam quoad circumstantias asserendae veritati studiuisse videtur.*" *Laurus Leslaeana explicata*, § 125. Graeci, 1692, fol. Father Archangel is briefly mentioned by Dempster, *Historia Ecclesiastica Gentis Scotorum*, p. 434; and his name occurs in a catalogue of the "Names of Preists and Traffecting Seminaries in the Dyocesis of Aberdene and Murraye," drawn up in the reign of Charles I. Maimment's *Analecta Scotica*, vol. ii., pp. 52, 55. Edinb. 1837.

The archdeacon of Aberdeen wrote also "*A Vindication of Episcopacy, and the nicknamed Unlawful Engagement*, written 1654, printed anno 1660." Maimment's *Catal. Scot. Writ.*, p. 130. His loyalty was after the restoration rewarded by a grant, by Parliament, of "150 lib. ster. to Mr. And: Logie." *Acts Parl. Scot.*, vol., vii., app., p. 81. His son, captain John Logie, was beheaded along with the gallant Sir John Gordon of Haddo, at Edinburgh, in July, 1644.]

churches, (which was very true). But he subscribed the Covenant, and cried *peccavi*; and so was referred to the ensuing provincially assembly of Murrey to have his suspension taken off, which was done accordingly, after he had preached a long penitential sermon, which signified little, yet satisfied the new converted hearers. He abode in the ministry till *anno* 1647, and then, for being found guilty of maleversation in the League and Covenant, he was deprived of his ministry that year, and so remained till *anno* 1659; then reposed, but outlived not his reposition half a year.⁽¹⁾

A. D. 1640.

XLIII. To Mr. John Guthrie nothing could be objected but his refusal to subscribe the Covenant, (except that he was the son of a bishop); otherways a man of a mild temper, and grave and pious. His sentence was delayed at that time, till he should be conferred with, nor was there any there who maligned him almost; but his respite was but for a short space, for, upon his constant scrupling at the Covenant, he was cast out of his place (which had thereto a benefice annexed, as considerable as any in Murrey). He was never reposed again to his ministry, and died some years before his father, I suppose partly out of melancholly.

Mr. John Guthrie cast out of his place.

XLIV. In this Assembly sat some northerne commissioners, who were new proselytes to the Covenant, and, being looked upon with suspicion, the moderator (at the desire of other zealots present*) did put them severall times to it to declare their judgements in things that not long before they had been of another opinion in; thereby either for to discover them, or make them ridiculous to all the hearers. One of these was so much put to it to declare himself in a vote, that he could not fall upon a satisfactory declaration, till, in end, he was forced to tell them publicly that he was of the judgement of the Assembly, whatever it were: Yet that satisfied them not, howbeit after that the moderator put him no further to it.

Some northern commissioners, new proselytes, put to it.

XLV. Again, it was observable here, which was before remarked in the Assembly of Glasgow, 1638, the way that the first voted (that was one Mr. Mungo Adalyell, a Borderside minister) readily all the rest of the commissioners of the Assembly voted that way, and very seldom contradicted the vote of Mr. Mungo Adalyell.

Mr. Mungo Adalyell, some ministers questioned; others overlooked.

(1) [Among the unprinted Acts of the Assembly of 1647 is one entitled, "Ref. concerning Masters William Douglas, John Logie, George Hanna, Richard Maitland, and Coline Mackenzie." Records of the Kirk, p. 483. Among the unprinted Acts of the Assembly of 1649 occur, "Ref. Mr. Richard Maitland to the visitation of the universitie of Aberdeen," and "Declaration concerning the Act granted in favours of Mr. Richard Maitlands wife." *Id.* pp. 557, 559.]

* Mr. J. P.

A. D. 1640.

The ministers who wer questiond at this Assembly wer either such as opposed the Covenant, or did not tymously subscribe it; and the escapes of all such ministers wer ripped upp, whilst some others (upon whom ther went a worde of greater scandall) who had come in tymously to the Covenant, wer lettne passe without questione.

Some ministers who were but sillie simple men, and looked upon as such as could or durst doe no hurt to the worke of reformatione, though they wer knowne to carry little good will to the Covenant, yet they wer connivd at. But such ministers as had been able and active against them, either they wer qwyte turned out, or though they subscribed the Covenant, and by that meanes kept themselves into ther stationes for a whyle, yet ther was still a strickk eye kept over them, and in ende most of them rwinated and drivne out of the ministrie.

Subscriptions
must be with-
out reserva-
tion.

XLVI. In the yeare 1638, ther commissioners came supplicating for subscriptions to the Covenant, and suffered such as wer scrupulouse for to tacke it in ther owne sence, and with reservations. But now the case was changed: all ministers and others must subscribe, and none durste refoose; and they must subscribe without reservatione. And ministers who refoosed must not only be deposed, but excommunicated. So wer others served, who durst refoose it; they must be processed with excommunicatione, yet, after ther subscriptione, never the better trusted, nor owned as freendes to the good cause and Covenante, but still wer had in jealousye; and if they wer ministers or expectants, ther wordes and actions wer remarked, if they savoured of dissaffectione to the Covenant. And severall, after they had subscribed it, against ther consciences (which they who exacted the oathe oftne knew and dissembled, permittinge suche to subscribe, therby for to ensnare them, and afterward with the greater facilitie for to fette such subscribers within compasse of censure for the breache of ther engadgement) wer drivne from ther stationes, after they had cast their consciences besyde them; not able, with the losse therof, for to gaine quarters at the Covenanters handes: which acte of thers behoved to render their sufferings very confortlesse.

Progress with
the ministers
about sub-
scribing.

XLVII. All this whyle no freende, no parishoner, could be helpfull to ministers, except they wer Covenanters, or except all ther parishoners wer anti-Covenanters, (for in such a case ther was little founde to objecte to ministers, so that they had subscribed the Covenant). Indeed ther was one rule of charitye much brockne towards anti-Covenanter ministers; for they wer that farr from covering ther infirmities, that, upon the contrarye, they

used all meanes to gett somewhat against them to object and to defame them with, and awacked scandalls wher none wer; and oftne defamed men with evill reportes, which wer never proved. A. D. 1640.

At first it wold have been tackne in good pairt if ministers did not preache downe the Covenant; but, after thes tymes, such as once had been questiond, behoved *couersj fratres confirmare*: they wer looked upon as dissaffected, if they did not, upon all occasions, preache for it, and urge it upon others; which many with great difficulty performed, and with ane evill grace. Others did runne from one extreme to ane other, and many wer so zealous, that they did reade all the publicke orders and warrants from ther pulpitts; in which practise, for a long tyme, others wer forced to follow them, least they should seem dissaffected to the good cause, till in ende, for shame, they left off, by reasone of the inconveniences that ensewd therupon not many yeares afterwarde. As for sermons, they wer either declamations; or invectives against the Kings party, or bishoppes, or ceremonies; or perswasives to owne the Covenant cordially, and to contribute liberally for the mantaining the good cause, for so it was ordinarily called.

And it is very remarkable that thes ministers, who in the tymes of the bishoppes pleaded tollerance for ther nonconformity, and argwed from the tendernesse of ther consciences, howsoone as they gott the power in ther handes, they spared not other mens consciences, but pressed them to obedience with threatnings of civill and ecclesiastieke punishments.

XLVIII. In thes tymes the Church and State acted much after one fashion: for as Parliaments wer made upp of ther trustees, and others either laid by or questioned; so in Generall Assemblyes care was tackne that no minister should be chosne but such as wer weall affected to the cause: others wer either turnd out, or wer glade to be absente, and lurke at home. By thes meanes, it came to passe that as in Parliaments and comittyes of state the selfe same members, with the chaunge of a few, alwayes sate, so the lycke might be seene in Generall Assemblyes, a number of leading men, ministers, and elders, still sitting, and some present without comissione, yet getting mor vote then others who had comissions. If ther was any members chainged, they wer sure to have others putt into ther place who wer as much for the party as the former. And though it be twise that, in Parliaments and General Assemblyes, and the comittyes of either, ther wer some who fell to be chosne or nominate, whom they knew to be dissaffected, yet they wer inconsiderable, either for ther qwalifications

Church and State compared.

A. D. 1640.

The three
Assemblies
compared.

or paucitye, or bothe; and many of thes either did not or could not be present, or wer silent, or, for want of expenses, glade to be gone. And then the *quorums* of ther comittyes wer mostly contrare to the nature of aristocracye, not *major et sanior pars*, but degenerate to oligarchie, *minor pars*: lett after tymes judge whither *sanior* or *insanior pars*.

XLIX. The worke was begunne at Glasgow Assemblie, 1638; promoted at Edinburgh Assembly, *anno* 1639. In this Assembly they gott a full conquest and victory over all the episcopall pairtye, and dislodged such of them as wer either in eminent places or universityes. Aberdeen was the last place wher they voided pulpitts and chaires. Neither failed they, how soone as they had drivne out the contrarye factione, for to fill ther places with men who wer most zealous for presbytrye and the Covenant. Mr. Alexander Henderson was already transplanted to Edinburghe, from a cuntry charge; Mr. Robert Blair and Rutherford to St. Andrews; Mr. David Dickson must be professor in Glasgow; and Mr. Andrew Cant must once mor stepp up in Dr. Forbesses chaire in Aberdeen, as he had befor done at Alforde: He wanted learning to tacke upon him the professione of divintye in the universitie.

Set forms of
prayer are dis-
used; *Gloria
Patris, &c.*

L. About the tyme of this Assembly lyckwayes, sett formes of prayers in publicke beganne to be dishaunted by all; and such as used them wer looked upon as not spritwall enench, or as not weall affected to the worke of reformatione. The Lordes Prayer lyckewayes beganne to grow out of fashione, as being a sett forme; and *Gloria Patri*, which had been constantly used in the churche, since the reformatione, to be sung at the closure of the psalmes, beganne to fall into a desuetude⁽¹⁾; and not long after this, the saying of the Creede at baptisme was cancelld by many, and celebrating baptisme refoosed, except upon Lords day at sermon, or at weeke dayes conventions. Two or three was not looked upon as a congregatiōe publicke anench for baptisme, though Chryst sayd that he was in the midst of such a number. Finally, all wer urged to family worshipp, but ther prayers behoved to be *extempore*, not sett formes; and churches so farr decayed (least people should imagine any inherent holinesse with papistes to be in them), that from pulpitts by many the people wer taught that they wer to have them in no mor reverend esteeme then other houses, (sometymes they wer worse used). Finally, whatever the bishoppes had established, it was their worke to demolishe.

(1) [See Baillie's Letters, vol. i., p. 362; vol. ii., pp. 69, 94. "Mr. John Nevy's reasons were against the Lord's Prayer."]

LI. The Assembly, which came to Aberdeene about July twenty-eighth, A. D. 1640. did remove befor the middle of August, having dispatched all these processes in a ten or twell sessions.⁽¹⁾ They made all the haste they could, for they wer sitting the very tyme that the armye was beginning to move towards England. Assembly removes about the middle of August.

The reader I hope will pardone my long insisting upon thes three Assemblyes, as being necessaire to be knowne. From henceforth I resolve not to insiste so long upon the following Assemblyes, except wher any thing materiall occurs.

LII. Befor I leave the church acting, I shall tell yow that this yeare, in Janvary, of the date tenth, letters wer directed from the protestant churches of Switzerland to the Covenanters, together with the coppye of another letter which had been directed to them in June, 1639; but they came long after they wer wryttne, and wer suppressed. Yet they resolved upon an ansuer, which was wryttne in Latine, and sent backe to Switzerland. The Covenanters answer, without resuming much of the contents of the Genevian epistle, containeth a short narrative of the troubles in Scotland, till Apryle, 1640; as also, the history of episcopaeye, its ryse and usurpation in Scotland, and how it was drivne out againe; and all the troubles are putt upon the score of the bishoppes. It is subscrybed by Andrew Ramsay, moderator. It shall not be necessaire to insert it heer,⁽²⁾ its substance being so oftn already repeated in the Covenanters declarationes, and these letters, wherof it was the answer, not being visible; of which I could never learne mor but that they exhorted ther bretheren of Scotland *ut se tenerent intra limites inculpatæ tutelæ*: And whither the Scottish did so or not, it is not my pairt to dispute heer, who undertack nothing but a bare relation of thinges. Letters from the protestant churches in Switzerland.

LIII. About the tyme that the Assembly ended in Aberdeene, Munro lifted his leagwer, and, leaving Strabogy, marches for Banfe, August tenth, a sea towne about thirteen myles distant from Straboggie, north-easte. The reason of his going ther was to tacke cowrse with Sir George Ogilvy (at that tyme called laird of Banfe, though shortly afterward Munro marches from Strathbogie to Banf.

(1) ["They indicted ane new Generall Assembly to be holden at St. Andrews the third Tuesday of July nixt 1641; thereafter dissolved, and ilk man ane sundrie gate, who had many blissings following them for eating and destroying the poor labourers' cornes about the town, with their ill attended horse, wherof they had litle regard." Spalding, Hist. of Troub., vol. i., p. 235.]

(2) [It will be found appended to the *Historia Motuum*.]

A. D. 1640. created Lord by the King.) Banfe had been active against the Covenanters, *anno* 1639; and all this yeare, 1640, had made his residence at court with the King, as some other northerne gentlemen and noblemen did, such as the Lord Ogilvie, Walter Urquward of Cromby, William Seaton of Shythim, Sir Gilbert Menezes of Pittfodells, *etcet*.

Doctor Alexander Douglass, a chief ringleader for the Covenant among the Banf people. Banf, also Inehdrewer defaced; also Forglan.

LIV. The cittizens of Banfe, for the most part, wer Covenanters; and, albeit in former tymes they depended much upon Banfes familie, who dwelt ordinarily in ther towne, yet now they wer so farr estranged from him, that they wer growne his enemyes. The cheif ringleader and agent amongst them for the Covenant was one Dr. Alexander Douglass, a mediciner, who was gott into such credite with his townesmen and with the Covenanters, that in the following yeares he came to be provost of Banfe, oftner then any man ther; as also high sheriff of the shyre of Banfe, and alwayes either a member of parliaments and comittyes of state, bearing great sway in thes places for severall yeares afterward: which preferments (being a witty man) he improved much to the inriching of himselfe, and, for the most part (consideringe the tymes), to the good lycking of all the shyre, except some particular enemyes, who either envyd his rysing or mislycked his wayes, which wer ambiguously spokne of: or because thier was hatred tuixt him and them for ill offices done to them, and extortiones under colour of justice. This man was thought a maine instrument in bringing Monroe to Banfe, who no sooner came thither, but he sett downe his qwarter in the laird of Banfe his beautifull garden, which was a great ornament to the towne of Banfe, and, being gallantly planted and walled, overshadowd and enclosd the east syde of that towne. The souldiours wer no sooner sett downe there, but they fell to macke havocke of all the fruit trees and other trees which grew there in great aboundance; leaving not so much as one standing tree, younge nor old, and cutting upp all the hedges to the rootes; in which deformed condition it is yet to be seen as they left it. Adjacent to that garden, in the very heart of that towne, stood Banfes pallace, high built and qwarterly; the structure magnificent, with two base cowrts; and few houses in thes places of Scotland comparable to it. Upon it the souldiours fell next, and, in few dayes, defaced it; leaving neither any covering, glasse, timber, nor iron worke ther; breacking downe the hewed worke, doors, windows, and knocking out the iron barrs of the windows; leaving nothing to be seen but defaced walls, which yet speake its beautye, as it now standes, lycke ane old rouinouse abbey. In this industrie de-

facing of so brave a pallace, the souldiours wer helped by the rascalitie of the cittyzens and cuntry people neerest adjacent, who either bought, stole, or embeasled the materials therof. It is reported, that when it was told to the Kinge, he said, 'That for the house it mattered not muche, since expenses could sett upp as good ane house againe in short tyme; but, he said, that it was a crwell thing to fall upon the garden, the losse wherof could not in many yeares be repaired, and so much the worse, because it neither had done evill, nor could hurt them; besyde, that it was ane ornament to the toune and cuntry. For to sett upp this losse, King Charles, in anno 1641, gave to Sir George Ogilvye of Banfe ten thousand merkes Scottish in gold, which Banfe brought home with him; yet too little for to reparaire his losses; but the King could not do better to him at that tyme.

And not only was the pallace defaced, but lyckewayes much houshold stuff and spare furniture, which had belonged to Banfe his predecessors, was seised upon and embezled, together with a considerable librarrye of bookes which wer ther.⁽¹⁾

After they had defaced his pallace in Banfe, a pairty is directed to a cuntry dwelling of his called Inshdrure, lying two myles south-west from Banfe; and it was rifled lyckewayes, August eighteenth, but not so ill handled as his townes dwellinge.⁽²⁾ Thereafter they goe to another

(1) ["From Strathbolgie Monro marches, the 2d of Agust, this same yeire, to Banffie, quher he playes the deuill, and demolishes the Lord Bamfies housse, wich wes both faire and staitly, and a grate ornament to that pairt of the kingdome. Heire I leue him plundering and destroying the polycey of the land; and reducing all thesse that formerlie danced after Huntlie and Bamfies fidling (quho called themselves the Kinges frinds) to the obedience of the couenant." Balfour's *Annales*, vol. ii., p. 382.]

"And now Monro leaves [Strathbolgie land] thus pitiefully opprest, and forward marches he to Forglyne, one of the laird of Banff's houses, and to Muiresek, his goodson's house, (themselves being both fled from the covenant into England), plagueing, poinding, and plundering the cuntry people belonging to them be the way most cruellie, without any compassion; syne comes directly to the burgh of Banff, and incamps upon a platt of plaine ground called the Dowhaugh. The souldiers quickly fell to, and entted and hew down the pleasant planting and fruitful young trees, bravely growing within the laird of Banff's orcheyards and yeards (pitiefull to see!) and made up to themselves butts wherin to lye in all night, and defend them frae stormy weitts and rain. They violently brake up the yeitts of his stately pallace of Banff, brake up doors, and went throw the haill houses, roumes, chalmbers, victuall houses, and others, up and down, brake up the victuall girnells, (whereof there were store) for their food, and spulzied his ground and his haill freinds of horse, milt, kine, and sheep, silver and moneyes, and armes, such as by any means they could try or gett. By and attour the earle of Findlater, his unnatural freind, by command of the committee, medled, intrometted, and perforce took up his haill rents and leiveing out of the tennents' hands for mentainance of the good cause." Spalding, *Hist. of Troub.*, vol. i., p. 236.]

(2) ["The 18th of August, major Monro with some few company rydes frae Banff towards Murray, (leaving his regiment behind him) for giving order to them, Ross, Suther-

A. D. 1640. — cuntry house of his, called Forglen; which is about five myles distant from Banfe, south-west, and stands in sight of Turreff, within a myle thereof, upon the water of Doverne; and they search it lyckewayes and rifle it, but to lesse pourpose then the rest; for Banfes servaunts, perceiving how the rest of his dwellings wer used, came in the night tyme, and either did lay upp in secrett places, or carrye away such household stuffe as was of most value. All his viettwall that could be founde was tackne out of his girnells and givne to the souldiours for to mantaine them (as at Strabogye), who mostly sold it at anc under worthe to the poor cuntry people about. The reason why his pallace of Banfe was defaced seems to have been the jealousy of the cittizens of Banfe, who supposed that sometyne it might be made use of as a cittadel to overawe ther cittye: yet such as yet sees it, and understandes the forme of cittadells, know that could not be the true reasone; for it was built for beauty, not for strenth, and not for defence, lett bee offence; for it is scitwated low, and overlooked by the castell and a great pairt of the towne of Banfe, which hanges above it upon the syde of a swellinge grownde and hille. All the wonder heer is, that, using Banfes house so ill, they should have spared the earle of Airlyes lodging, which is distant and separate from Banfes house only by the lenthe of the mentioned garden interjected betuixt the two houses; for which clemency I can give no reason, but possibly because Argylle was not ther at that tyme. This is the summe of Monroes actinges ther at Banfe and about it, where he stayed till September fourth;⁽¹⁾ at which tyme he returned to

September 4.

land, Caithness, and Strathnaver, to raise the fourth man with 40 dayes loan, to goe for Dunse to generall Lesslie, as ye shall shortly hear. Many barons and gentlemen mett him, and honoured him be the way; he haistly returned againe to the camp, and be the way brake up the iron yeitt of Inehdrower, (ane place where Banff used himselfe most commonly to keep and dwell intill) and forceable took it off, syne sold it for five merks to ane countryman, while an hundred pounds had not made up. They brake up doors and windowes, entered the haill house, defaced and dang down and abused beds, burds, and haill insight plenishing, and left nothing within which they might carry with them. Pitieful to behold the pollicie of the ground and kingdom so abused, but authoritie or law from our soveraigne lord the king's majestie!" Spalding, *Hist. of Troub.*, vol. i., pp. 239, 240.]

(1) [“ Upon Friday the 4th of September, after Monro's souldiers had brunt up their huts at Banff, spulzied and plundered horse, man and goods, and taken the haill insight plenishing carieagable out of the place of Banff, books, wrytes, and such as they could gett; and after they had taken down the roofie and sklaitt of the haill house, broken down the geists, brak the iron windowes, and carried [off] the iron work, brak down fixed work and sylerings, leaving neither yeitt, door nor window, lock, nor other thing about this house; pitieful to behold! planting of orcheyards and yeards destroyed, and all brought to confusion, his ground, men tenants, servants, freinds and followers plundered, (for the laird of Banff's cause), and greivously opprest in their persones, goods, and gear: After thir deeds

Aberdeen his first qwarter, wher he stayed till September twelfth, at which tyme he was called away with his regiment for to lye upon the Border, wher we shall next heare of him againe.

A. D. 1640.
September 12.

LV. Whilst Monroe is bussey macking warre upon emptye houses at Banfe, the Earle of Marishall and Alexander Maister of Forbes wer not idle about Aberdeene; for they wer now macking hast eache of them to putt a regiment on foote, having gotte the countreys neerest Aberdeen for ther divisione. The proportione levyd was the fourth man; and albeit they wer favourable, as much as they could, to the Covenanters, yet bothe the towne of Aberdeen and all the anti-Covenanters in ther divisione wer made to grone under the burthen of ther oppressing levyes. But ther was no remedy but patience, and disobedience was no lesse then to be plundered, or at least to be quartered upon as a cowrtesye, till such tyme as the deficients satisfeed for such proportiones as the comittye of the shyre wer pleased to laye upon them.⁽¹⁾

Actings of
Marshal and
the Master of
Forbes at
Aberdeen.

LVI. Meane whyle the comittys of the estates of Parliament wer using all meanes for getting money. The Bande could not doe it. Another project was sett on foot; that was, by publicke orders, intimat in parosh churches, to eall in noblemen and gentmens silver plate to the mint house. Such as brought it willingly against such a day to have *fides publica* for repayment; such as refoosed, ther plate and cuppbords to be confiscat to the use of the publicke, without hopes of repayment (a sanction which alighted upon all alyeke), and they to be reputed dissaffected to the good cause if they concealed ther plate. By this meanes the minte was sett a worke. Some zealotts gave in all, and others gave in a pairt. Such as wer reputed anti-Covenanters were enqwyred after, and if they wer knowne to have any, wer informd against, and compelld to delyver all or a pairt of ther plate; others were taugt by this order to conceale what they had, and re-

Projects for
raising money:
silver plate
called in.

were done, and no evill left undone that crueltie could devyse, (except in this, they spoiled the places of Forglene, Inchdroun, and Rattie, three other honsses pertaining to the laird of Banff, of girnells, goods, insight plenishing which they could gett, but left the houssis ontired or demolished as the place of Banff was;) then I say, and thereafter, Monro lifted his camp frae Banff." Spalding, *Hist. of Troub.*, vol. i., p. 250.]

(1) ["Monday the 10th of August, seven score burgesses, craftsmen, and apprentices, prest and perforce taken, to help to fill up Marischall's regiment to goe to generall Leslie. The honest men of the town wondering at this manifold oppression, fled, took fisher boats and went to the sea, lurking about the craigs of Downy whyle this storme past." *Id.*, vol. i., pp. 235, 236. See also, pp. 214-216, 219, 221, 225, 227, 229-231, 237, 238, 249, 251, 255-257.]

A. D. 1640. solved to abyde the worst and lett the informers prove. Some pupills plate was all givne in by ther tutors. Yet all could not fill the gape; the publicke was a Tophett, a bottomless pitt; all was swallowd upp, and nothing repayed; and no lesse being expected at first, it made the wyser sorte of Covenanters themselves hold ther handes a little. The result of it was, that for several yeares afterward, fearing the lycke order should be againe isswed out, little plate was to be seen in gentlemens houses, and scarcely so much as silver spoones in some places.

Nithsdale house blocked up; Dumbarton taken by a stratagem; castle of Edinburgh capitulates.

August 21.

LVII. In the southe of Scotland, about this tyme, lievtenant collonel Hume, with a regiment, had laid seidge to Nithsdales house, of which befor: and by the twenty-first of August, Argyle, who was now returned from his Highland expeditione, was befor Dumbarton castell, which, as I have told, was blocked upp for many weekes befor, but at a distamce. It was tackne by stratageme. The captain of the castell had come downe to the church, which is in a little markett towne hard by, of the same name with the castell, and suspecting no dannger, was surprysed by an ambuscade of souldiours who wer hiddne neer by, of pourpose (unknown of by the castellans), for to seise upon any who should come out of the castell. Being seised upon, with his compaynons, without noyse, they instantly stripp the captain of his apperell, as they did his followers: and clothing such therwith whom they thought meetest to goe about that enterpryse, they send them to the gate of the castell calling for entrye, causing one of the souldiours speacke, or naming such as wer within by ther names. The porter, who saw his captain, with little ceremoney opned the gate, and upp they went. No sooner wer they entred, but they macke good the gate, and seise the porter, tacking in ther comerads, who wer laid hard by for the pourpose; and so with little adoe, gott the place from the rest, who wer suspecting no such deceit.⁽¹⁾

Dr. Guild put in as principal of King's College authoritatively, but not canonically; degeneracy of the college.

LVIII. And since I am hastning to the Scottish army, who by this tyme are wearyed of Chansly woode; ere I leave the north, I shall, by way of *parenthesis*, tell yow that after the rysing of the Generall Assembly at Aberdeen, befor August ended, ther comittye appoynted for perfyting the visitatione of the colledge, mett at Aberdeen, who did tacke it upon them for to putt in Dr. William Guild to be principall of the old colledge of

(1) [It may, perhaps, be questioned if Gordon has not confounded the circumstances of the surprise of Dumbarton in March, 1639, with those of its capture in August, 1640. See above, vol. ii., p. 210, note (2); Spalding, Hist. of Troub., vol. i., p. 253.]

Aberdeen, in place of Dr. William Leslye.⁽¹⁾ This was done authoritatively, for the electione was not canonicalle, acording to the foundatione of that university; yet ther was none for to questione it, so it past for current, and he sate ther till some yeares afterward that themselves thrust him out againe, as irrationally as they had putt him in ther irregularly: But of this I will have occasione to speacke, God willing, in its oune place. He was not the last who was putt in unorderlye; and that miserable universyte behoved to feele the revolutions of the tymes, most unhappye that its principalls degenerated *ab equis ad asinos*, as after shall be toulde, and the worst last.

LIX. The north is now qwytted, and the harvest was approaching, and the King was preparing to goe to his army at Yorke. The Scottish resolve not to eate upp ther owne countrey; therfor they lift from Chanslywood, hearing that all was sure behynde them, and marche for England twenty-four thousand foote, and two thousand fyve hundereth horses. Themselves gave upp no mor of muster the next spring to the English Parliament: Spang⁽²⁾ will have them twenty-seven or twenty-eight thousand foote, and four thousand horse (so easye is it with one dash of a penn to adde thousands to armyes). Lord Aulmond ledd the vane; Bailye, the bodye of the army; and generall Leslye the reere. They did carry with them victwall to serve them for some weekes.

The Scots
march for
England

LX. August seventeenth, they wer at the Tweed. When the army came ther, diee wer cast amongst the noblemen and commanders; and it was Montrosse lott to passe first over the river, which he cheerfully performed on his oune feete, his owne foote souldiours following him. In imitatione of him, and to shew example to the common souldiours, the foote officers did all the lycke. Yet at that tyme Montrosse his cheerfulness was but seeminglye; for, befor they resolved to enter into England, Montrosse was fallne in dyslycke with the Covenanters actings, and was now waiting for the first opportunity for to crosse them. He had the command of two thousand foote, and five hundred horse in the army; his freends who wer most obleyded unto him, and had religiouslye promised ther best endeavours in the Kings service, had the command of fyve thousand mor; but the projectes of his failed at this tyme, and his opportunitie came not

Montrose, by
lot, passes the
Tweed first;
about falling
off.

August 17.

(1) [See Spalding, Hist. of Troub., vol. i., pp. 238, 239.]

(2) [Historia Motuum. p. 559.]

A. D. 1640. — till afterwards. How soone the armye entred Englishe grownde, all wer forbidne, by publicke proclamacione, under paine of deathe, that they should tacke, plunder, nor sturre nothing, either man, beast, or any goodes in England. Meane whyle the garrison of Bervicke made some saylies upon ther rear, seeking to apprehend stragling souldiours, yet with small successe.

The King publishes a proclamation against the Scots ;

August 22.

LXI. August twenty-second, the King caused publish a proclamacione against the Scottish, wherin he shewed that ther intentions wer to shackle off his governement, under pretext of religion ; that now they wer invading England, and therupon to be esteemed declared rebels ; yet he offers pardon to all of them who will crave pardone, goe home to Scotland againe, and return to ther loyalty and wonted obedience. This proclamacione Strafford caused publish at Yorke and other places.⁽¹⁾

who arrive at the river Tyne.

August 28.

LXII. The Scottish wer better upon ther growndes, knowing upon what assurance they wer come to England ; therfor, without tacking notice therof, they keepe on ther march through Northumberland, and by the twenty-eighth day of August, the army was come the lenthe of the river Tyne, and did encampe upon the heathe of Newcastle, upon the north banke of Tyne, fyve English myles above Newcastle.

Ford at Newburne.

LXIII. Ther standes a village called Newburne, wher ther is a foord which can be passd on horse or foote at a low water ; for the sea flowes upp that lenth.

Conway secures the ford. Lesly desires licence to pass towards his Majesty with a petition. The Scots make good the passage at the ford.

LXIV. The day befor, *viz.* August twenty-seventh, the Lord Conowaye, hearing of the Scottish armyes approache, being commander in cheefe in thes places, had drawne all his cavalrye, being about twelve hundereth horses (the Scottish called them two thousand fyve hundred horse), and three thousand foote, (Spang says fyve thousand), to secure the passe upon the river at Newburne. Conoway had lodged his foote behynde a breest worke, therby to trouble the enemy in ther passage. That night that he did cast upp his breest worke, and planted his souldiours therein, generall Lesly bad come to the other syde of the river, and befor the morninge had planted nyne peece of ordinance, having blynded them with bushes, that so the English neither could nor did espy them. The next morning, Leslye sent a trumpetter to the Lord Conowaye, desyring his licence to passe towards his Majestye with ther petitione, and shewing them that they were come into

(1) [Nalson's Impart. Collect., vol. i., p. 411 ; Sanderson's History of King Charles I., p. 312.]

England to wrong nobodye, if they wer not persewd. Conoway answered that he wold permitte a few, but had no orders for to lett ane army passe; and sundrye of his souldiours sent backe jeers and ill language with the trumpetter; wpon whose returne, Lesly commauded three hundereth horse to advaunce unto the river, and after they had crossed it, for to macke a stande; and if the English persewed them, for to reteere, that so the followers might be drawne under the mercye of Leslyes canon, which wer hidd from the English. Thes, at ther first crossing, wer so galled by the English musketeers from behynde the breest worke, that they wer forced to reteer; which Leslye perceiving, played upon the blynd with his canon so furiouslye as made the English musketeers abandon ther post, cast away ther armes and flec. Then the Scottish cavalry readvanced; but no sooner crossed they, but they wer charged by Mr. Wilmot, comissarye generall of the horse, so hottly as they either dissembled a retreate, or runne backe in good earnest. Wilmot persewed them, but Lesly did lett flye so hottly at him with his canon, that Wilmots horse beganne to reele; wherupon the three hundred horse who first had fledd from them, tacking ther advantage, readvaunce upon their persewers. Meane whyle, the rest of the Scottish armye enter the river, and crosse without hinderance. The foremost of them comming upp, seconded ther forpairtye, so stiffly that all the burthen of the encounter being borne upp by Wilmott and a few gentlemen, annoyd with the Scottish cannon and overnumbered, they wer glade to runne for ther safetye. The light horsemen of the Scottish wer commanded to performe this service, and fall upon Wilmot, who stood to it after the rest wer gone. The Scottish say they might have killed farr mor then they did, but they wer commanded to spare all who fledd, and only tacke them prisoners. The number of the English who wer killed or tackue wer three hundereth or therby, most of them foot souldiowrs. The common souldiowrs wer lettne goe free, and the officers only kept prisoners. Few or nobody killed upon the Scottish syde, except only a young gentlman, called Mr. James Makgie, sonne to Sir Patrick Mackgie of Large. His death was condold afterwards by a presbyterian poett,* in his worke called Newburne Booke. Its short, and, for the raritye of the verse, I give yow it in the authors wordes :

In this conflicte (which was a greate pitie),
We losd the sonne of Sir Patrick Mackgie.

* Mr. Z. B. [The well-known Zachary Boyd.]

A. D. 1640.

Sir John
Suckling's re-
nowned troop
was broken.

The English
army retreat
to York.
The Scots
seize New-
castle, August
twenty-ninth;
behave civilly.

August 29.

Dress and
ensigns of the
Scots. They
seize upon
Durham,
August
thirtieth.

LXV. In this fight, Sir Johne Sucklins renowned troope of one hundred horse was brokne, and shewed they wer rather for muster then fight. The Lord Conowaye perceiving the cavallry rowted, and the infantry runne all awaye, hasted his retreate to the King; and, for the same cause, Sir Jacob Ashley, then governour of Newcastle, deserted it, having first sunke the ordinanee in the river, knowing it was not tenible, as having no wall that was fencible about it.

LXVI. The English army retreating now from Newcastle, was tackne into Straffords commande, who brought upp the reare; and being come backe to Yorke, wher the King then was, he charged the principall mis-carriage of the actione upon the Lord Conwaye his cowardise, or treachery, or his want of skille, or all three; who, as weall as he could, vindicated his owne reputatione.

The next day, which was August twenty-ninth, the Scottish seized Newcastle, who receaved them without resistance (for the towne was abandoned). Ther they qwartered two thousand of garrisons, with the generall himselfe and severall of the Scottish noblemen. Ther was founde laide upp therin muche armes, and ammunition and provisione, which had been laid upp ther for the use of the Kings armye; all which was seized upon by the Scottish, and a note and inventour therof tackne. Lyckwayes, shippes comming in at Tynemouth from the Balticke sea ladned with corne, all ther fraught was seised upon, for it was alledged that it was belonging to the army, though afterward it was disputed and excepted against by the King. Many thought that the deputy of Ireland was not ill content with the defeate of Newburne, for he hoped that it wold irritate the English against the Scottish, and maeke them tacke armes against them; but it is an irrational conjecture. However, the Scottish did carry civilly after ther victorye, and lay downe qwyetly in ther quarters; wheras it is affirmed that the Kings souldiours used the countrey mor rudelye.

LXVII. And now the blew ribbons and blew cappes had opned the doore in the north of England, and the Covenant colours came triumphantlye displayed to Newcastle: For it is to be knowne that, as the last yeare, so in this new expeditione, the Scottish officers mostly wore blew bonnetts, out of contempt of the English, who scoffingly called them blew cappes; and they carryd blew ribbons, either in ther capes or hung about them, and ther spanners thertoo appended, lycke ane order of knythoode; the Royalistes wearing reade ribbons in opposition of that colour. And then

upon all their foote colours was wrytne, COUENANT FOR REL-
LIGION CROWNE AND COUNTRY; which motto was a little varyd
afterwardes at ther next expedition. They wer now posessed of Newcastle;
the next day, being August thirtieth, they seise upon Durhame, which was
lyckewayes garrisond, and the command of the toune given to the Earle of
Dunferlenlyne. Lyckewayes the castell of Tynmouth, Shels betuixt New-
castell and the sea, was posessed and garrisond by the Scottishe, and all the
countrie villages about filld with the quarters of the Scottish armye.

A. D. 1640.

August 30.

LXVIII. The Scottish wer prospering in England; but ane accident,
very odde, did chekke ther joyes for ther late victorie. The matter was as
followethe: generall Lesly had left some peeeces of ordinance at Dunse,
which he thought not necessaيرة to transport at that tyme, and with them a
gwarde of about one hundred and sixty foote. The governour of Bervicke
getting advertishment therof, marches out of the towne with a commanded
pairtye, and other things necessaيرة for tacking away the canon. He settis
upon the village of Dunse, which was maintained for about two houres.
The English wrytters saye that he carryd away the canon; but the Scottish
saye that he retereerd without the canon, having losed a number of his men
whom he carryd off in carts and sledds, hearing of the Earle of Hading-
touns approache, whom he never rencountred. But some of the English
wrytters affirme that the Earle of Hadingtoun (whom Leslye had left to
command Lauthian and Merse) did come upp with two thousand horse and
foote, and persewed the Englishes, and resewed the canon from the go-
vernour of Bervicke, after some skirmish with them, and carryd them to
Dunglasse, a castell neer Twedsyde: but I suppose the English wrytter*
is mistackne in his relatione; for albeit it be true that Hadingtoun was
comming upp to ther reskwe, yet, upon advertishment of his comming, the
English gave over the interpreyse, fearing for to be shutt out of Bervicke by
him; and Hadingtoun hearing of ther retereate, followd no furdre, but went
the next day to Dunglasse with fourteen or fifteen knyts and gentlemen his
freendes.

The blowing
up of the
powder maga-
zine of the
Scots at Dun-
glass.

The next day, being August the thirtieth, having dyned very jovially
with such gentlemen and officers as wer about him, after dinner he was
going downe staires, reading a letter which he had newly receaved, when
behold, upone a suddaine, the whole house is suddenly blowne upp with one

* H[ammond] L[’Estrange] his Annals of King Charles [p. 189; Sanderson’s History
of King Charles I., pp. 313, 314.]

A. D. 1640. blast of gunnepoulder. All who wer within, except some fewe, were instantly killed with the ruine of the house; amongst thes the Earle himselfe: the forpaire of the castell was overthrowne, and by its fall overwhelmed a number of souldiours and others who wer standing in the castell yard (or close); to the number of above ane hundereth persons perished within and without the castell.⁽¹⁾

Hadington's page suspected. Dame Jane Gordon, Hadington's lady, half frantick: she had before lost her brother, Lord Aboyn, by the burning of Fren-draught.

LXIX. It was never perfectly knowne how it fell out. Ther was a pairt of the Scottish magazine of poulder lying in the vaults of the castell which gave the blast; but who fyred it none can tell. It was suspected that it was done by Hadingtons page, ane English boy, called Edward Parise, whom his maister, the Earle, getting advertishment the day befor of the Scottish victorye at Newburne, did jeere, saying to him that his countrey-men wer cowardly, or some wordes to that pourpose: wherupon the boy is saide to have lefte his maisteres presence at that tyme grumbling; and then espying his occasione, having gottne the key of the magazine, to have fyred a parcell of poulder with a reed hotte laddle of iron. This was constantly affirmd, but it is not proved that he was the actor: sure it is, if he wer, he payd for his fault, for he was founde dead amongst the rest⁽²⁾ who wer buryd under the ruins of that castell, which was thus blowne upp August thirtieth. Hither came the relations of such as wer killed, and gathered them upp; many of them wer so disfigured, that scarcely they could be knowne. But this sadd newes strooke not so deepe a knell to the heart of any as to Dame Jane Gordones, daughter to the Marquesse of Huntly, to whom Haddingtoun had been marryd but the yeare befor. How soone she gott the sadd tydings of her husbands deathe, half besyd herselfe, in her houshold attyre, she mounted upon a common worke beast, behynde a servaint of her owne, and fell off amongst an heape of stones, wherby she was extremely bruised, and hardly could bee drawne backe by her freendes and servaintes, who all tooke a part of her greefe. She lived not many yeares after him, and dyed a widdow, never marryd againe in her lyfe tyme.

August 30.

(1) ["One thing wouderfull hapned, befor this miserable accident, wich was, that about eighte of the clocke, one the Thursday at night befor the blouing vpe of the house of Dunglas, ther appeird a verey grate pillar of fyre to arrysse from the northe east of Dumbar, as appeird to them in Fyffe, who did behold it, and so ascendit towards the southe, wntill it approached the verticall poynt of our hemespheare, zeilding light as the moone in her full, and by litle enanishing wntill it became lyke a paralaxe, and so quyte enanished about 11 of the clocke in the night." Sir James Balfour's *Annales*, vol. ii., p. 397.]

(2) ["He perished ther amongst the rest, no pairt of him was euer found, bot ane arme. holding ane iron spoune in his hand." *Id.*, vol. ii., p. 396.]

LXX. This sadd accident was variously consterd by such as heard it, according as they loved or hated the Covenanters partye. Sure ther may be one remarke drawne from it, that God mixes our honey with gall : A. D. 1640.

This accident variously construed.

Vt rebus lactis par sit mensura malorum.⁽¹⁾

[To return to the Scottish army. There it was taken under deliberation what farther was to be done, whether they should march straight forward to York, where the King lay with the principal part of the army, or if they should anew accost his Majesty with a supplication. It was carried by a majority that the way of petitioning should be chosen, though they were not ignorant that the King by public proclamation had summond all the nobility, with their vassals, to repair to his standard, September twentieth, in order to fight against the Scots. The petition was as followeth :

“ The humble petition of the commissioners of the late Parliament, and others, of his Majestys loyal subjects :

“ Humbly sheweth,

“ That, whereas, after our many sufferings the time past, extreme necessity hath constrained us for our relief, and obtaining our just and humble desires to come into England, where, according to our intentions formerly declared, we have in all our journey lived upon our own means, victuals, and goods, brought along with us, and neither troubling the peace of the kingdom, nor harming any of your Majesty’s subjects, of whatsoever quality, in their persons or goods, but have carried ourselves in a most peaceable manner, till we were pressed by strength of arms to put such forces out of the way as did without our deserving, and (as some of them have at the point of death confessed), against their own consciences, oppose our peaceable passage at Newburn on Tine, and have brought their blood upon their own heads, against our purposes and desires, expressed in our letters sent unto them at Newcastle. For preventing the like or greater inconveniences, and that we may without further opposition come into your Majestys presence for obtaining from your Majestys justice and goodness satisfaction to our just demands, we, your Majestys most humble and loyal subjects do still insist in that submiss way of petitioning, which we have kept since the beginning, and from which no provocation of your Majestys enemies and ours, no adversity that we have before sustained, nor prosperous success can befall us, shall be able to divert our minds ; most humbly intreating

(1) [Here the author’s manuscript terminates ; but the copy in the library of The King’s College contains the few paragraphs which are added within brackets.]

A. D. 1640. that your Majesty would in the depth of your royal wisdom consider at last our pressing grievance, provide for the repairing of our wrongs and losses, and with the advice and consent of the estates of the kingdom of England, conveened in Parliament, settle a firm and durable peace against all invasion by sea or land; that we may with chearfulness of heart pay unto your Majesty, as our native King, all duty and obedience that can be expected from loyal subjects, and that (against the many and great evils which at this time threaten both kingdoms, whereat all your Majestys good and loving subjects tremble to think, and which we beseech God Almighty in mercy timeously to avert), your Majestys throne may be established in the midst of us in religion and righteousness, and your Majestys gracious answer we humbly desire and earnestly wait for."

To this petition the King commanded my Lord Lanerick to write the following answer, from York, September fifth:

"His Majesty hath seen and considered this petition, and is graciously pleased to return this answer by me, That he finds it in such general terms, that till you express the particulars of your desires, his Majesty can give no direct answer: therefore his Majesty requires, that you set down the particulars of your demands with expedition, he having been always willing to hear and redress the grievances of his people. And for the more mature deliberation of these great affairs, his Majesty hath already given out summons for the meeting of the peers of the kingdom, in the city of York, upon the twenty-fourth of this month, that so with the advice of the peers you may receive such answer to your petition as shall most tend to his honour, and the peace and welfare of his dominions. And in the meantime (if peace be that you desire as you pretend), he expects, and by these his Majesty commands, that you advance no farther with your army to these parts; which is the only means that is left for the present to preserve peace betwixt the two nations, and to bring these unhappy differences to a reconciliation, which none is more desirous of than his most sacred Majesty." ⁽¹⁾

(1) [Nalson's *Impart. Collect.*, vol. i., pp. 432, 433; Rushworth's *Hist. Coll.*, vol. iii., pp. 1255, 1256; Balfour's *Annales*, vol. ii., pp. 394—396; *Historia Motuum*, pp. 564—566; Spalding, *Hist. of Troub.*, vol. i., pp. 231, 232; Burnet's *Memoires of the Hamiltons*, pp. 175, 176; Sanderson's *History of King Charles I.*, p. 314.]

A P P E N D I X .

A P P E N D I X.

No. I.

PROCEEDINGS IN THE GENERAL ASSEMBLY AT ABERDEEN IN 1640,
WITH REGARD TO THE FAMILISTS, OR BROWNSTS.

(*From Baillie's Letters, vol. i., pp. 248—255.*)

Our Assemblie at Aberdeen was keepit with great peace. We fand great averseness in the hearts of manie from our course, albeit little in countenance.

That which troubled us most was a passage of Mr. Harie Guttrie's, which, because it may be the occasion of farder dinne, I will relate to you particularlie, so farre as I understand. Our countrey men in Ireland, being pressed there by the Bishops to countenance the Liturgie and all their ceremonies, did abstene much from the publict worship; and in privatt, among themselves, their ministers being all banished, did in that place and tyme of persecution, comfort themselves with prayer and reading, and uther exercises of religion, whiles in the night, whiles in the day, as they had occasion. Sundrie of them intending ane voyage to New England, inclined towards the discipline of these churches; yea, some Brunists, insinuating themselves among them whileas their ministers were away, did move diverse towards their conceits. The most of thir good people flying over to us, were heartlie embraced of us all; their privat meetings were overseen; some of their conceits, though they were spreading, yet for causes we let alone till the Laird of Leckie, one who had suffered much by the Bishops, was marked, using his Irish forme of privie exercises in Stirling, and in his prayers some expressions which were prejudiciall to Mr. Harie [Guthrie], minister of the said toun, and uther ministers of the land, who did not affect their wayes. At once Mr. Harie, with the brethren of that presbytrie, and magistrats of that toun, did begin with vehemencie and some violence, to suppress these privie meetings, and to paint out in verie black letters all the singularities they knew or heard of in Leckie, or these who affected their wayes. They, on the other side, failed not to rander to Mr. Harie, and the brethren, the like. The last Assemblie of Edinburgh was perplexed with this matter. Mr. Harie made verie loud complaints of their novations, both in word and wryte. Sundrie being conscious what in diverse parts of the countrie was broaching, was in some fear. Diverse of our chief

ministers tendering verie much the credit of these verie pious people, were loath that any thing concerning them should come in publick. We had sundrie privat meetings with the chief that was thought to incline that way. Mr. Hendersoun vented himself, at manie occasions, passionatlie, opposit to all these conceits. We fand among ourselves great harmonie of judgment; yea, Leckie, declaring his mind in a wryte, was found to differ from us in nothing considerable. Once we agreed for the framing of ane act for the preveening of such questions. Both sides laid it on me to forme it. All was pleased with the draught, onlie one, not lyking my conclusion of precise discharging of all novations till in a Generall Assemblie they were allowed, persnaded to leave off making of ane act, leist our adversaries should triumph in our so hastie disputations, if not divisions; and did assure, by quiet dealing, to sopite smother all farder reasoning of such purposes; onlie we concluded, for satisfaction of all, that Mr. Harie should preach for advancement of religious exercises in everie familie, and Mr. Robert Blair, Mr. John Makelellan, Mr. John Levistounne, against night-meetings, and other abuses quhilk were complained of. Mr. Blair, in his sermon, did not so much cry downe these meetings as was expected; wherefore Mr. Guttrie refused to preach at all. Some citizens of Edinburgh declared themselves not well satisfied with Mr. Hendersoun's zeall against their practise. One Livingstone, a trafficker with the English who wer affected to our reformation, bot withall to the discipline of New England, in his letter to his friends abroad, did wryte verie dyspytefullie of Mr. Hendersoun; thir being intercepted, did grieve not onlie the man himself, bot us all, of all ranks, who had found him the powerfull instrument of God, fitted expresslie much above all other to be a blessing to our Church, in this most dangerous season. For preveening of farder inconvenience, it was thought meete to presse, in all the kingdome, religious exercises in families, according to a draught which Mr. Hendersoun, with the unanimous consent of all, gave out in print. This familie worship was expected ane sufficient remedie against the feared evils of uther privie meetings; bot when it was not found so, these that would have keeped on foot amongst us some of the Irish novations, foreseeing their severe condemnation by the insewing Generall Assemblie, thought good to eishu [eschew] that discreditabill stroke, and drew together in Edinburgh, in tyme of the Parliament, to a privie conference; on the one syde, Mr. Hendersoun and Mr. Eliazar Borthwick; on the other, Mr. Blair and Mr. Dicksoun: these four agreed on a paper of caveats, limiting these privie meetings; which being opened to the rest of the brethren there convened, did please all. The report of this gladed all the land, hoping that these disputations had then been at a point.

I heard no more of them till the Synod, at the beginning whereof, as the custome is, a list being given up for preaching in the towne, Mr. Guttrie was one. He finding himself, as he avowed, indisposed in bodie, and unable without more books and leasure than there he could have, and unwilling, fra the Provost of the towne required he should be heard, having, as he heard, a mind to get him transported to that towne, refused peremptorlie to preach there at all, and that with some words of headiness, more than it became to us, in the face of ane Assemblie. These who boore him at small good will, finding him in this snare, whether to punish him for bygone business, or to dashe him for attempting in that Assemblie any farder matter about Leckie his meetings, which they suspected was his maine eirand to that place, urged straitlie the publick censure of his presumption. When

he was removed, all these who had relation to the Irish business, lighted so sharplie upon him, that manie did thinke that their censure was not so much for his present misbehaviour, as for some bygone quarrels. He took the Moderator's reproof submissivelie enough; bot whether on that irritation, or preceeding resolution, he sett himself with all earnestness to have these matters coneluded in Assemblie, which some of us were afrayed so much as publickly to name. Privatlie he had sollicit the whole northern ministrie and elders, putting them in a great vehemence against all these things he complained of. It was one of my overtures for the ordering of the house at the beginning of the Assemblie, that no motion should come in publick till first it were considered in privat by the Committee appointed for things of that nature whereof it wes, unless the Committee did refuse to receive it. Whereby Mr. Harie his first motion in publick, though he alleadged it had been proponed be him to the Committee and not received, was rejected again to the committee: by this meanes he was holden of some dayes; bot by no meanes could be gotten diverted from proponing these questions, which we were afraid should trouble us all. Accompt was taken of all the Commissioners of the kingdome, in the face of the Assemblie, of settling of familie exercise in ilk house of their Presbytrie; it was avowed to be everie where prettie well advanced; bot this was no water for the fire in hand. It was the advyce of the committee, to propone Mr. Hendersoun's paper before Mr. Harie was heard. This advyce, in my minde, was healthsome; for lyklye all would have applauded to that paper, and no more needed for the settling of these questions; bot some, whether because they were loath, though privatlie they assented to that paper, that yet it should goe in a publick act, or being carryed with a clean contrare spait, were willfull to have Mr. Harie to vent himself in publick, to the uttermost of his passions, would not let the committee determine any thing in that affair. Mr. Harie being permitted at last to speak in the Assemblie, in a long discourse, proclaimed what he was able to say of Leekie and these meetings: truelie he uttered manie things very odious, if trew. Mr. James Simpsono of Bathgate shew also manie scandalous things of that sort of people. A Commissioner from Galloway declared a number of uncouth passadges, reflecting on Mr. Samuel Rutherford, Mr. John Livingstone, and Mr. Makelellan. Presentlie all went to a heat and confused dinn; the whole north, especiallie the earle of Seafort, a well spoken man, bot whose honestie in our cause ever has been much suspected, passionateliie syding with Mr. Harie; some others fretting to hear pious people so shamefullie, as they thought, calumniat. In the midst of the clamour, I took leave sharplie to regrave that we did rush in a greater evill than any was complained of: the confused misorder of a Generall Assemblie was the spoyling of the onlie remedie of that and all other diseases: Bot no possibilitie of order and silence; the Moderator had neither weight in his discourse, nor dexteritie in guiding: we missed much Mr. Hendersoun, or some of our respected nobles. At last the confusion ended in a committee for the preparing of overtures to remedie these evils: the committee was for the most part of men at Mr. Harie's devotion. After much jangleing and repetition, with manie eikes of odious (whether true or fabulous) narrations, sundrie of us inclyned to have that fore-named paper past in ane act. Bot my Lord Seafort, and Mr. Harie, by no means could hear of that motion; they told over, that caveats had brought in the bishops; that this paper, though never so full of limitations, would be introductive at last of the thing limited. Mr. Ruther-

foord all the while was dumb; onlie in the midst of the jangleing he cast in a syllogisme, and required them all to answer it: "What Scripture does warrand, ane Assemblie may not discharge; bot privie meetings for exercises of religion, Scripture warrants." Heb. xii. [Jam. v. 16.] "Confess your sinnes one to another, pray one for another;" Mal. [iii. 16.] "Then did the godlie oft speak together, and God hearkened," *etc.* Thir things could not be done in publick meetings. A number greedilie hanshit at the argument, Mr. A. Ramsay, Mr. J. Adamsoun, and others; bot came not near the matter, let be to answer formallie. My Lord Seafort would not have Mr. Samuell to trouble us with his logick syllogismes; the trueth is, as I conceive, Mr. Harie intended to have all meetings private *simpliciter* abolished; also Mr. Rutherford, I know, had, in a treatise, defended the lawfulness of these meetings in greater numbers, and for moe purposes than yet we have heard practised; also Mr. Dicksoun had written, and practised, and countenanced some things in these meetings, that now, both of them finding the inconveniencies, and seeing the great opposition they got by manie good men, and especiallie by Mr. Hendersoun, were content to passe from, at leist to be silent of. We closed that night with this overture, That fyve of our number should draw up every one of us our conception, by way of act, to present to-morrow to the committee, Mr. David, Mr. Harie, Mr. D. Lindsay, Mr. Alexander Petrie, and I. In my act, I strave so cunninglie as I could, to convase Hendersoun's paper shortlie, with some of my own conceptions. I communicat it with the chief opposers of Mr. Harie, Mr. D. D., Mr. Sa. R., Will. Rigg, and others, got them at last to acquiesce. When we came to the committee, all fyve acts was read: the question came betuixt myne and Mr. Harie's; myne was lykit by all, onlie Mr. Harie mislyked it, and conceived, that under everie word a dangerous serpent did lie; there was no remead: his contentment was the contentment of the bodie of the Assemblie. Frae he mislyked my draught, I sett myself to perswade that his draught might be accepted, for truelie it had nothing that was contraverted: It consisted of three articles;—the Second, "That read prayer was not unlawfull," Mr. D. Dick did enlarge, That it should be lawfull to read prayers, both in private and publick; the Third, "That it should not be permitted to any to expone Scripture to people, bot onlie ministers, and expectants approvin by Presbyteries," no man did contradict; the First, "That familie worship should be declared to be of persones of one familie, not of diverse;" here was all the question. I did declare publickly, oft without contradiction, that the meetings whereof he complained were not familie meetings, bot ane other kinde specificallie differing from the other; so that his article of familie meetings would never touch any abuse of these meetings, were they never so manie or foule. Yet because this was Mr. Harie's own draught, and he alleaged, that the people with whom he had to doe did take their conventicles onlie for familie exercises, he required no more than the declaration of the Assemblie, that familie meetings extended no farder than to persones of the same families. This, though no man could refuse, yet these that lyked nothing that came from him, did question much more than they needed, and verie violentlie urged to have, in that article, limitations, which, in my judgement, were verie needless, and did further Mr. Harie's designe more nor his own words. Alwayes Mr. Harie was made content to admitt of ane exception, which was, the practise of people flocking to their minister's familie exercise; bot of any moe exceptiones he would not hear; and more they pressed to have,

upon ane argument that did much amaze my minde, that except they gott ane other conceit, they had a written protestation readie against that act of the Synod; the thing that the devill was seeking, and would have been sweet pastyme to that town of Aberdeen, and our small favourers in the North, who was greedilie gazing on the event of that broyle. Alwayes at last the prayers of the land for God's blessing to that Assemblie prevailed, and in a moment God made the minds of these who differed to agree, to the great joy of all when they heard it. There was bot fyve of us then in privat, Mr. Harie and Mr. David as parties; Bellhelvie for Mr. Harie, the Moderator and I betuixt them. Mr. David at last acquiesced to my request to let Mr. Harie's article passe as it stood, and Mr. Harie, after once and againe I had inculcate to him, that all his act was bot a blephum if yow putt not in that clause yow see it hes against novations, was at last content to put it in; so with great difficultie, the act being agreed upon in privat, and in the committee, when it came to be voted in the Assemblie, it had no contrare voyce.

All of us did think that then the storme was close over and gone; yet behold, when leist we expectit, it does blow up againe as boysterouslie as ever: some that was grieved and freted that their opposite should have gotten so much way, desyreing to have some order of him, did give in a wryte, requireing, since so manie wyle [vile] abuses were in the Assemblie alleadged to have been committed by Leckie, and others, in diverse parts of the kingdome, it were expedient that a committee were ordained for the tryall and severe punishment of all these misorders; and that this committee should sitt in Edinburgh, and consist of these whom the Assemblie had appointed Commissioners for the Parliament, with so manie other as the Assemblie thought meet to joyne with them. This bill was read near the end of the Synod be Mr. James Boner, moderator of the bills, as newlie given to him, by whom he knew not. Upon the hearing of it, at once there rose such a heat and universall clamour, that it was marvellous. Mr. John Makecellan was found the ingiver of it; while he began to be hissed at, Mr. A. Cant and Mr. D. D. did speak for the reasonableness of it, and some few other ministers and gentlemen who had been on the counsell of it; bot they were so overwhelmed with the multitude of cryers, Away with it! Away with it! that they were forced to be silent, and let it goe. I much grieved to see the tumultuous disorder of our Assemblie; and had I been on Mr. David's counsell, I would have dissuaded him to my power from such a motion, which, if it had been assented to, was like to have fyred our Church, more than any other brand that Satan at this tyme, in all his witt, could have invented: so, by God's goodness, water was cast on that fyre for the tyme. The amirs [embers] yet seems to smoke; bot we hope God will see to the peace of our Church, which is bot a brand newlie taken out of the fyre, or rather yet in the midst of the flame of warr and great danger.

(From Bishop Guthrie's Memoirs, pp. 77—79.)

Upon the last Tuesday of July the general assembly sate down at Aberdeen, without any commission from his majesty: Where the first thing that occurred was, the receiving of Mr. John Paterson, minister at Foveren, into the Covenant. He had at first fled to England to avoid it, but shortly after repented, and came home again, and upon his application to his presbytery, was referred to the gene-

ral assembly, before which he made a recantation sermon, wherewith the assembly professed to have so full satisfaction, that he was received to their fellowship.

The next thing done therein was, an act against conventicles (called by the owners thereof private meetings) which was upon this occasion.

As soon as Episcopacy had been thrust out of this church, there came from England one Thomas Livingston, a taylor, and another, Mr. Cornall, a chirurgeon (both supposed to favour the Brownistical way), and from Ireland a fleece of Scots people, who being dissatisfied with the forms of that church, had long ago forsaken the public assemblies thereof, and betaken themselves to conventicles; of whom the most eminent were the laird of Lecky, and one John Kelso, formerly one of the goodmen of Duchall's ploughmen. These arriving in the west of Scotland trafficked with the people in those parts, to comply with their way, of seeking edification by private meetings; wherein their success was the greater, in that Mr. David Dickson, Mr. Robert Blair, Mr. Samuel Rutherford, and others, were said to countenance them therein.

Upon the hearing whereof, the soundest of the ministers throughout the land were deeply affected, doubting that course might lead to Brownism in the end, such as Mr. Andrew Ramsay, Mr. Alexander Henderson, Mr. William Colvil, Mr. David Dalgleish, Mr. Robert Knox, Mr. Edward Wright, Mr. Henry Guthry, and many more, especially Mr. David Calderwood (who in the time of his exile had seen the wild follies of the English Brownists in Arnheim and Amsterdam); and therefore, at the former general assembly in Edinburgh, in the year 1639, these purposed to have had an act against the same; but Mr. David Dickson, Mr. Robert Blair, Mr. Samuel Rutherford, and the rest of their stamp, opposed that motion, and proponed instead thereof, that there should be a conference, whereby brethren might unite their judgments upon the question, and afterwards by private admonition they would prevail with those people to amend what was amiss.

This was hearkened to, and the conference was at Mr. Alexander Henderson's chamber: where were present, on the one part, the said Mr. Alexander Henderson, Mr. Andrew Ramsay, Mr. David Calderwood, Mr. William Colvil, Mr. David Dalgleish, Mr. Edward Wright, and Mr. Henry Guthry; on the other part, Mr. David Dickson, moderator of the general assembly, Mr. Robert Blair, Mr. Samuel Rutherford, Mr. James Hamilton, Mr. John Livingston, Mr. John Maclellan, and Mr. George Dick; and after reasoning at several diets, in the end, Mr. Dickson, and all his adherents, passed from the point, and agreed unanimously to this conclusion, viz.:

"That whatsoever had been the effects of private meetings of persons from divers families for religious exercise in time of trouble or corruption (in which case many things may be commendable, which otherwise are not tolerable); yet now, when God hath blessed us with peace, and with the purity of the gospel, they could not but disallow them, as tending to the hindrance of the exercises of each family by itself, to the prejudice of the public ministry, and to the renting of particular congregations, and by progress of time of the whole kirk, besides many offences that may come thereby, to the hardening of the hearts of natural men, and the grief of the godly."

This conclusion being agreed upon, was subscribed in all their names that had been upon the conference, by Mr. Alexander Henderson for the one part, and Mr.

David Dickson for the other, and the custody of the paper committed to Mr. Henry Guthry.

Likeas Mr. David Dickson, and his adherents, did farther undertake, by their admonitions, to reclaim these conventiellers, and make them leave that way.

Whereupon the brethren of the other part went from the conference well satisfied; but the event declared they made no conscience of what they had undertaken, and that whatsoever they had condescended to, was only to put by that assembly.

For afterwards they were so far from performing what they had promised, that their admonitions turned to encouragements, whereby the conventiellers grew more bold than formerly, and prevailed with people so generally throughout the west, that they met with no rub, until they came the length of Stirling, where they found so harsh entertainment as made them quickly to withdraw, esteeming that town an unhallowed place; yet elsewhere they found welcome enough (even in Edinburgh itself), where their way came to be so cried up, that such as favoured, or kept those private meetings, were by the rigid sort esteemed the godly of the land, and others that opposed them were calumniated, as being in their opinion, reckoned unfriends to piety.

Hereupon the assembly at Aberdeen took the matter into consideration, whether those private meetings should be allowed or condemned. Mr. Dickson, Rutherford, and others of their stamp, pleaded so vehemently for them (having the assistance not only of the most part of the ministers, but also the ruling elders from the west), that it was likely they must have carried it, had not, by providence, Mr. Guthry happened to have in his pocket that paper which contained the judgment of the brethren (at the conference at Edinburgh the year preceding) upon the question, which was subscribed by Mr. Henderson and Mr. Dickson, in all their names: Mr. Guthry kept up this paper, until he saw the business in hazard to miscarry; but then produced it in the assembly, and being read, and Mr. Dickson's hand found to be at it, for himself and all his party, Mr. Dickson, and his adherents, were pleased afterwards to be silent; and very unanimously the assembly made an act against those private meetings, not so much as one man protesting to the contrary.

A P P E N D I X.

No. II.

PROCEEDINGS OF THE GENERAL ASSEMBLY AT ABERDEEN IN 1640,
WITH REGARD TO DR. JAMES SIBBALD.

(*From Dr. Garden's Vita Johannis Forbesii à Corse, §§ xc—xcv.*)

§ xc.
Sibbaldus erro-
rum et haereses
accusatus.

Non ingratum fore Lectori nec intempestivum spero, si ulterius narrem quo pacto Jacobum Sibbaldum tractarunt, cum Forbesii Collega esset, et iisdem molestiis agitatus. Sibbaldus a dicta Synodo An. 1640. Officio pastoralis depulsus fuit, quod Foedus subsignare nollet. Verum id non satis fuit, sed directis quibusdam ex ipsius chartis, eum haud orthodoxum esse concludunt, ac de falsis doctrinis accusant, anathema interminantes, si palinodiam non caneret. Sequitur accusatio.

Catalogus Errorum propter quos M. Jacobus Sibbaldus (a ministerio hactenus depositus), anathemate prosequendus est, si eisdem non recantaverit.

I. Patet eum inimicum esse Ecclesiae Scoticae et erroris occultatorem, eo quod non solum habuerit in sua potestate et custodia, D. Gul. Forbesii scripta, quae erronea esse agnovit, verum etiam ea dispergenda mutuo dederit, ut inter studiosos de manu in manum communicarentur, et tamen nec contra horum errores locutus est, nec studiosos ut ab iis caverent, monuit.

II. Apparet eum varios Papismi et Arminianismi Articulos docuisse ac propalasse, videl.

1. In Funebri Concione, p. 125. ‘Potestas libera aliquid agendi in nobis juncta est cum potestate circa oppositum.’

2. In Funebri Concione, p. 134. ‘A Deo provenit omnis sanctificatio, etiam ad externa Symbola vel Sacramenta, quae pro nobis instituit qui rudes sumus et a sensibus ducti, ut per haec sensibilia nos sanctificaret, et corporeo tactu Spiritum suum ejusque dona in animis nostris earumque facultatibus infunderet’: ex quo apparet eum efficaciam Papisticam approbare, et opus operatum, quod Papistae Sacramento ascribunt.

3. In Concione Funebri, p. 96. ‘Ecclesiae Christianae visum est sacerdotibus suis externum etiam habitum ab aliis diversum injungere.’

4. In pag. 79. Responsonum duplicatarum, privati Baptismi necessitatem asserit,

5. In earundem pag. 84. 'Non erubescimus cum primitivis Patribus Coenae Dominicae Sacramentum *ipſorum* vel viaticum appellare, licet vos id improbare videamini.'

6. Pag. 32. §. 5. sup. Matth. in Concione manuscripta ad populum habita. jejunii quadragesimalis institutionem approbare videtur. Ejus verba sunt: 'Christus tam diu jejunavit, non ideo maxime ut nos tam diu ipsius sequamur exemplum; sed ut aequè diu ac Moyses jejunans, Evangelium praedicatum veniret, nobis tantum prout possimus sequentibus: nihilominus Ecclesia tam longum jejunium ante Pascha instituit.'

7. Pag. 71. §. 4. super Luc. xi. v. 41. docuit 'eleemosynas quodam sensu dici posse peccatum respectu culpae expurgare, quatenus dispositio sunt ad justificationem, gratiam illius impetrans.'

8. Super Rom. iii. v. 23. docuit fidem magis immediate vel distincte in eum ferri ejus potentia justificamur; eam solam esse dispositionem inter omnia nostra opera cui justitia ascribi possit sine periculo superbiae, vel derogatione de gratia Dei.

9. Super Luc. xiii. v. 34. Docuit 'Christum ipsius meritis omnia acquisivisse auxilia, quibus hominibus opus est ex parte Dei, ut reconcilientur et salventur; a Deo impetravit, ut deposita ira quam adversus hominem ob peccatum habuit, omnibus adesse et assistere velit. Filius omnes illuminare praesto est, si quis non videt, ipse in culpâ est.'

10. In Concione super. 2. Joh. et iv. ait: 'Hinc patet quam religiose versari debemus in domo Dei, et quam impie Christianorum Ecclesiae a multis profanentur, quibus major debetur reverentia quam templo Hierosolymitano, ob veram in iis Dei praesentiam, et sanctorum Sacramentorum administrationem.' Et paulo post, super eundem textum: 'Sed Deus in hac domo habitat, cum in hoc loco cultui ipsius consecrato faciem aurem praeberit, ac proinde orationes servorum ipsius magis acceptae sunt, quam alibi, caeteris paribus, hoc est, si pari pietate, fervore ac fide invocetur, quas virtutes circumstantiae loci et eorum quae illi gesta sunt, magnopere excitant et confirmant. Si Deus omnibus in locis aequè adesset, frustra diceremus: Pater noster qui es in coelis.'

III. In respondendo ad quaestiones ipsi propositas, repertus est in quibusdam errore imbutus, in aliis ambiguus et erroris suspectus, ubi apertius mentem dicere debuisset.

1. Interrogatus, num Papa Antichristus esset, respondit, se opinari Papam esse Antichristum, ac nescire num major Antichristus post eum veniet.

2. Interrogatus de descensu Christi locali ad inferos, respondit Ecclesiam Scoticanam in Nationali Synodo istum articulum non definivisse. Se credere Christum ad inferos descendisse, et quod ad localem animae ipsius ad inferos descensum attinet, eam fuisse praeiorum quorundam sententiam, seque cum Zauchio eam improbare nolle.

3. Interrogatus, num putaret omnes infantes baptizatos esse vere regeneratos, respondit, se illi articulo Ecclesiae Scoticae adhaerere, quod per baptismum in Christum insiti sinus, ut ipsius justitiae participes fiamus, eumque in infantibus efficacem esse nisi ponatur obex; sed num ponatur obex ratione praescientiae divinae vel aliter, se non velle determinare. 2. Interrogatus, quisnam esset ille obex, dixit se non velle ad id respondere, et si cum Augustino affirmasset, quod omnes infantes baptizati regenerentur, se nil absurdi locutum fuisse, opinari.

4. Interrogatus, utrum Deus velit omnes salvos esse voluntate antecedenti, dixit, si spatium aliquod temporis illi concedatur, se responsurum. Id

loquutus est mox, postquam dixisset se Canonibus Synodi Dordracenae subscribere velle.

5. Interrogatus quid opinaretur de altaribus, inclinationibus coram iis, sacerdotis habitu dum oblationem facit, qualia sunt superpelliceum, amiculum lineum, cappa, positio mensae per modum altaris, et conversio ad orientem orando, respondit, in solutione harum quaestionum se sibi nondum satisfecisse.

IV. In Concione super cap. 3. ad Rom. Feb. 1638, his usus est verbis: 'Cum Theologi nostri dicunt nos sola fide justificari, omnia opera auxilio gratiae facta, tanquam conditiones ac dispositiones praeparantes non excludunt, qualia sunt poenitentia, misericordiae desiderium, oratio. 2º. Opera per gratiam praestita tanquam fidei fructus non excludunt, nam eo modo fidei non sunt opposita, sed amice cum fide conveniunt.' Miratus est Theologos Protestantes docuisse, aut unquam cogitare potuisse, quod priusquam resipiscimus justificati simus, 'nam,' inquit, 'extra omne dubium est, resipiscentiam, emendationis propositum, veniae spem, orationem, ac gratiae desiderium, miseriae sensum, praere tanquam conditiones et media praeparantia priusquam justificemur.' Interrogatus, num doctrinam hanc approbaret, respondit, 'se priora verba rite intellecta approbare, nempe poenitentiam. Affirmavit se a Theologis nostris dissentire qui opinantur quod poenitentia justificationis actum non praecedat. Quod ad secundum attinet, nil mali in eo videt, cum Apostolus dicat, fidem per charitatem operari: De tertio existimavit idem esse cum praecedenti.'

V. In Duplicationum, p. 26. nobis in acquissimo hoc bello nostro defensivo haec Scripturae loca applicat, Matth. xxvi. 52. 'Quicumque enim acceperint gladium, gladio peribunt.' Et Rom. xiii. 'Qui resistunt, ipsi sibi damnationem acquirunt.'

Interrogatus de nostro Foedere, num ei subscribere vellet, respondit, se illi subscribere non posse. De plurimis aliis etiam articulis propositae fuere ei quaestiones, et ubi Ecclesiae nostrae doctrinae et Theologorum Reformatorum principiis consentiebat, distincte et aperte respondit; ubi vero in suspicionem vocatus fuit, in praecipuis nempe articulis, ambigue respondit, vel respondere detrectavit. Sic subscribitur,

MURRAY, Scriba Vicarius Synodi.

§ xci.
Sibbaldi annuad-
versiones in quos-
dam accu-ationis
articulos.

Sibbaldi Autographum quoddam 6. vel. 7. fol. observationes quasdam in dicam hanc continens apud me habeo, quarum summam hic breviter enarrabo.

Primo quod ad chartas suas attinet, Ex meis, inquit, schedis direptis ansam capiunt me de quibusdam articulis accusandi, et priusquam quinam essent distincte novissem, respondi, has chartas non posse in testimonium contra me adduci, cum ipsarum quaedam essent breves librorum a me lectorum summae, quas exscripseram ut iis vel in refutando vel approbando facilius uterer; Aliae vero collectiones essent, ex Commentariis aliisve libris quas pro meditationum materia in concionibus formandis exscripseram, ut eas pro ratione post justam examinationem, aut probare aut rejicere possem; ac omnes privatae fuere, non publicae, neque publico sed proprio tantum usui destinatae. Et ad hoc confirmandum adducit resolutionem Navari in simili casu Consil. l. 5. de haer. Consil. 7. qui posito hoc fundamento, quod nemo sit accusandus vel arguendus eo quod hoc vel illud scripserit, et suam manu, in chartulis, commentariolis, et aliis memorialibus imperfectis, indigestis, et inemendatis, posuerit, quibus manus extrema non sit adhibita, nec sunt usque

adhuc edita, validis rationibus, distinctis legibus, et celeberrimorum Doctorum autoritate et exemplis, a Sibbald exscriptis, clare evincit, nullam accusationem justam, multo minus sententiam, in hujusmodi chartis posse fundari.

Ut plenius satisfaciatur, articulos plerosque accusationis sigillatim considerat Sibbaldus, et quae de iis sentiat, dicit. 1^o. Jejunium Quadragesimale licitum esse, superstitione et delectu ciborum amotis, negari haud posse existimat, et ad unanimum Antiquitatis consensum, Theologorum etiam eruditorum Protestantium, jejunium hoc, prout a pura primitiva Ecclesia observatum fuit, approbantium sententiam accedere ostendit. In hujus rei documentum, testimonia Zanchii, Doctorum Field et Andrews, ac Petri Molinaei adducit, et cum hac questione concludit; num scilicet qui hoc jejunium non approbant, omnia improbent jejunia; si id non faciant, cur hoc potius quam ullum aliud rejiciant, praesertim cum tam antiquum sit, et ob graves causas institutum; sed si nulla stata jejunia approbent (qua istorum doctrina et praxis est), quo pacto Aerii reatum devitabunt? qui Epiphanio teste, haeres. 75. dixit: 'Neque jejunii instituendi ulla ratio est. Haec omnia Judaeorum propria sunt, et cuidam servitutis jugo subjecta, quippe justo nulla lex posita est, sed parricidii ac matricidii duntaxat et id genus aliorum; nam si jejunare omnino decreverim, quacunque libuerit die, sponte et integra libertate jejunabo. Hinc est,' inquit Epiphanius, 'quod isti Dominica die jejunare potius affectant; quarta vero sextaque feria vescuntur, non ulla lege, sed voluntate ut asserunt inducti. Porro diebus ipsis Paschatis, quod tempus humi cubando, castimoniam servando, afflictandoque corpore; necnon et aridorum ciborum usu, precibus, vigiliis, jejniis, et reliquis id genus saluberrimis corporis cruciatibus, celebrare solemus; illi e contrario jam tum diluculo obsonari solent, et carnibus vinoque distinti, cachinnari, ridere, eosque qui illam Paschatis hebdomadam, sanctissimis illis religionibus traducunt, ludibrio habere.'

Ad alium articulum e chartis ipsius adductum, nempe peccatum eleemosynae expurgari, respondet, se nunquam privatim vel publice dixisse, peccatum eleemosynae expurgari, sed eas tantum commendasse ut Deo plurimum gratas et acceptas cum rite fiant; et si quid tale in chartis ipsius reperiatur, merum exscriptum esse, idque ut sibi videtur, e Fr. White Orthodox. etc. Praeterea, si totidem verbis dixisset, peccatum quodam sensu eleemosynae purgari, quid amplius asseruisset quam in Scripturis diserte traditum est? Nonne Salomon dicit Proverb. xvi. 6. Misericordia et veritate redimitur iniquitas? Nonne licitum est Scripturae phrasibus uti? Evidenter itaque patet haec verba, candida interpretatione, in vero et bono sensu capi posse. Sic S. Aug. in Enchir. cap. 72. 'Multa sunt genera eleemosynarum, quae cum facimus, adjuvamus, et demittuntur nobis nostra peccata.' Et in scriptis Patrum plurima similia dicta reperiuntur. Si itaque talia verba in bono sensu sumi possint, hic et non alius iis ascribi debet. Lex enim diserte dicit, 'dubia interpretanda esse in meliorem partem, et semper in dubiis benigniora esse praefenda.'

Ad alios duos articulos de Ecclesiarum dedicatione et sanctitate, etc., respondet, se existimare, quod Ecclesiae precibus et gratiarum actionibus Deo consecrari possint et debeant, in signum separationis a profano et communi usu, et destinationis ad sacra et pia exercitia. 2. Dicit loca sic consecrata magis sacra esse quam domus communes; se non adeo absurdum esse ut putet iis talem inesse sanctitatem qualis est in creaturis ratione praeditis, sed eam solum quae locis et temporibus convenire potest; et quod quaedam sanctitas iis convenire possit, a nemine in dubium vocari posse qui S. Scripturam amplectitur, cum ex ea pateat, sanctos esse dies, et terram posse esse sanctam. 'Ne appropinques huic' (dicit

§ xcii.
Ejus sententia de
jejunio quadra-
gesimali.

§ xciii.
De purificatione
peccati per elee-
mosynas.

§ xciv.
De Ecclesiarum
dedicatione et
sanctitate.

Dominus ad Moysen), 'solve calceamentum de pedibus tuis, locus enim in quo stas, terra sancta est.' Exod. iii. 5. Act. vii. 33. Sic Joh. v. 15. Item Lev. xxvii. 28. dictum est: 'Quicquid semel fuerit consecratum, Sanctum Sanctorum erit Domino.' S. Paulus, 1 Tim. iv. 5. docet 'omnem creaturam sanctificari per verbum Dei et preces.' Si itaque, inquit Sibbaldus, cuiusque bonae Dei creaturae sanctitas convenire possit, cur non etiam Ecclesiis? Nullius sunt res sacrae, et religiosae et sanctae. Quod enim divini juris est, id nullius in bonis est, dicit lex. Quis affirmare aude elementa panis et vini post consecrationem magis sancta non esse, quam sunt communis panis et vinum? Peculiarem vero hunc sanctitatis gradum ideo habent, quod in sanctissimum et religiosum usum destinata et consecrata sunt; eodem pariter modo, licet non gradu, sanctae sunt Ecclesiae, quoniam in sacros usus sepositae ac destinatae sunt, et per preces ac gratiarum actiones in hunc finem consecratae. Si mera rei in sacrum usum destinatio sanctam eam reddat, Levit. xxvii. siquae preces et gratiarum actiones id in quodam gradu sanctum faciant, quod communi tantum usui destinatur, ut est ordinarius noster cibus; ab omni ratione alienum est affirmare Ecclesias non ita se habere, etc. Si dicatur nos verbi divini auctoritate muniri in elementis panis ac vini, non vero in Ecclesiis, consecrandis; dico, inquit, id falsum esse, nam res communi tantum usui destinatae, multo magis quae sacris usibus destinantur, per preces et gratiarum actiones benedicere jubemur. 3. Datur peccatum quod *sacrilegium* vocatur; alioquin quo pacto diceret Paulus Rom. ii. 22. Qui abominaris idola, sacrilegium committis? Id ipsi Ethnici pro flagitiosissimo crimine, et pari poena cum parricidio plendo. habuere. Jam una ex praecipuis sacrilegii speciebus est Ecclesiarum earumque dotationum violatio et expilatio, quae proprie sacrilegium dicitur. 4. Tandem ostendit id esse sententiae et praxi veteris Ecclesiae consentaneum, ut patet ex Scripturibus Ecclesiasticis antiquis, quorum testimonia adducit, et Theologorum eruditorum Protestantium iudicio, citans Bucerem, Pet. Martyrem, et Zanchium; adeo ut Sibbaldi temporibus eximi hi viri in Ecclesiae Scoticae communionem recipi non potuissent, sed ex ea ejicerentur, nisi doctrinae hujus palinodiam cecinissent.

§ xcv.
De afflictionibus
piorum, quod
poenae, et a
justitia Dei pro-
venire, dici
possint

Dicit Sibbaldus, alium fuisse e chartis allegatum articulum de piorum afflictionibus, quod nempe poenae dici possint et a justitia Dei provenire. Sentit ille eas vere dici posse poenas, idque ob has rationes. 1. Inquit, quoniam in iis omnia ad poenam necessario requisita reperiuntur, videl. quod respectum habeant ad culpam, tanquam fontem et scaturiginem primariam unde fluunt; mors enim et quaecumque miseria eam introducit per peccatum intrarunt. Rom. v. 12. Gen. iii. 17, 18, 19. - - - Praeterea Scriptura expresse docet charissimos Dei servos propter peccata ipsorum actualia afflictos fuisse. Sic Moses Ps. cvi. 32, 33. David, etc. Secundum ad poenam requisitum est, ut per eam patiantur et multum patiantur. Tertium, quod ipsorum voluntati, si non actuali, tamen naturali ipsius propensioni et inclinationi contrarium sit. 2. Iniquitates eorum a quibus Deus non auferit misericordiam suam virgâ visitantur. Ps. lxxxix. 32, 33. Ps. lxxix. 26. Ps. xc. 7, 8. Heb. xii. 6. Tercio Scriptura asserit 'eos a Domino judicari.' 1 Cor. xi. 32. 'et quod iudicium incipiet a domo Dei.' 1 Pet. iv. 17. Si itaque piorum afflictiones prout a Deo veniunt sint ipsius iudicia, sique eos iudicet cum affligit, hinc patet eas et poenas esse et a justitia Dei provenire, quae duae inseparabiliter connectuntur. Ubi dicitur afflictiones solum medicinam esse ad animam a morbis praeteritis curandam et a futuris servandam, ac Deum in iis vindictam suam aut justitiae suae satisfactionem non meditari, sed afflictorum aliorumque qui eorum calamitates observant, bonum spirituale ac aeternum; respondet Sib-

baldus, verum esse has afflictiones medicinae similes esse, ac Deum affligentem esse Medico similem, verum non ita tantum. Medicus nullum habet dominium in patientem suum, verum Deus, utpote supremus noster Dominus ac iudex absolutum ac supremum in nos dominium habet, eoque in affligendo utitur, eo saltem modo quo Pater facit qui filium suum propter delictum castigat, Heb. xii. Et quemadmodum patris castigatio poena esse non desinit, eo quod virtutem medicam ad praeservandum a culpâ habeat, ita se habet virga quâ Deus liberos suos castigat. Ita pariter intentio divina, afflictorum aliorumque eos observantium bonum promovendi, naturam poenae ab ipsorum afflictionibus minime tollit. Quemadmodum inter homines iudex fortassis reum flagellari aut per aliquod tempus in carcerem mitti decernit, ut in posterum emendetur, et alii a simili reatu sibi caveant. Dato afflictiones nil esse praeter castigationes paternas, laud tamen inde sequeretur eas non esse poenas, imo contrarium potius, cum castigationes sint una poenae species. Nil aliud vero inde inferri potest, nisi quod non sint ea poenae species, quae solius vindictae gratia infliguntur.

Ad id quod dicitur Sanctorum peccata condonata esse, ac proinde ob ea eos postea puniri non posse; cum repugnantia videtur, ut peccatum sit remissum. et homo nihilominus propter id puniri possit; respondet Sibbaldus: Remissio peccati a Deo ejusque cum peccatore reconciliatio magnos inquit et beatos habet effectus. Ex hoc plenum peccati supplicium, quod in justitia ei congruit, aufertur; ex hoc illius gratia potimur, et ad omnes salutiferos ipsius effectus jus habemus, nominatim plenam ab omnibus illis miseriis quas hic patimur, liberationem quam justo tempore adipiscemur. Conceditur etiam gratia, qua afflictiones nostrae sanctificentur, ac bono nostro spirituali et aeterno submiuiscunt. Sibi tamen potestatem reservat nos castigandi, quemadmodum Pater filium, in nostrum et praesens et futurum commodum, et ad justitiam ac sanctitatem suam patefaciendam. Quenam in his repugnantia justitiae aut bonitatis divinae? Dicit Apostolus: Nulla est condemnatio iis qui sunt in Christo; sed non dicit, nil esse in iis damnabile. Teneant nostri Theologi pravitatem originalem in Sanctis remanentem, esse vere peccatum. Atque nullus est qui non peccat. Patet itaque poenas Sanctorum temporales nec Dei justitiae repugnare, nec de benignitate ipsius in condonando, vel justificationis nostrae dignitate, derogare. Tam longe abest ut justam querelae ansam inde habeamus, ut in afflictionibus nostris Dei justitiam agnoscere teneamur. Ps. exix. 137. sapientiam illius adorare, bonitatem mirari, qui e tantis malis nos hactenus eripuit, et ab omnibus justo tempore liberabit, quod patienter a nobis expectandum est.

Deinceps ostendit, has afflictiones non a solâ justitiâ et simpliciter provenire, neque mere poenales esse; sed a justitia ita cum misericordia temperata, ut vix poenae proprie sic dictae vocari mereantur, si cum peccatis nostris eorumque poenis meritis conferantur; si ratio qua movetur nos affligere perpendatur, ipsius nempe amor, non minus, imo plus, quam misericordia; si cum respectu ad effectus a Deo propositos et productos considerentur, quales sunt innatae corruptionis mortificatio, peccatorum sensus, ea devitandi cura; donorum Dei in nobis inceptorum exercitium, eorum probatio; Filii ipsius imagini major conformitas; ut ipsae sint aeterni gaudii ac beatitudinis seminarium. Ac Augustini diversis de hac re loquendi modis conciliatis, adductoque Melancthone ut idem secum sentiente, concludit Sibbaldus ostendendo differentiam hujus doctrinae a Papistica.

Denique prolixius tractat Sibbaldus distinctionem voluntatis Dei in antecedentem et consequentem. Et ostenso distinctionem hanc apud Patres, Scholasticos et Neotericos in usu esse, observat voluntatem antecedentem significare posse vel nudam et simplicem complacentiam in re aliqua quae in se ipsa considerata est bona, ac in eo sensu Deo ascribi posse, quo ad omnium creaturarum rationalium sanctitatem et salutem. Salus enim et Angelorum et hominum in se, inquit, considerata, amabilis est. Dei gloriam, et hominum et Angelorum, qui ad Dei imaginem facti sunt, utilitatem, ex sua natura spectans. Est itaque ex se objectum complacentiae divinae maxime congruum, qui est ipsa bonitas et amor, et in quacunque re bonâ, praesertim ipsius gloria et imagine, complacentiam non potest non habere.

2º. Voluntas, inquit, antecedens significare potest, non tantum complacentiam simplicem, sed etiam actum qui per modum prosecutionis tendit versus objectum; qua de causâ, qui hanc habet voluntatem, dat, vel paratus est dare id quod ad rem volitam perficiendam sufficit; haecque voluntas est vel absoluta et effectiva; sicque voluntas qua Deus decrevit homines vocare est antecedens, cum a nulla re in nobis oriatur, ac sine ulla praevisione determinationis voluntatis humanae fieri possit, a sola et mera benignitate divinâ proveniens; estque haec voluntas effectiva; quoscunque enim Deus vocare decrevit, eos vocat, eoque modo quo decrevit. Vel (2.) potest haec voluntas fieri conditionata; ut cum quis, hanc voluntatem habens, vult talia et talia fieri, verum non absolute, nec sine omni limitatione, sed in quantum postulat providentia, quae sufficit in eo qui ita vult. Sic cum haec voluntas Deo ascribitur quoad sanctitatem et salutem eorum qui pereunt, hanc formaliter vel virtualiter includit conditionem, se id operaturum, si homo obicem non ponat, se in hunc finem ea facturum quae providentiae ipsius congrua sunt, eaque nullo modo impediturum.

Pergit deinceps inquirere num talis sit in Deo voluntas, et perpensis argumentis contra eam adductis ac ad ea responsionibus, quae prolixè satis deducit, ulterius disquirat num talis sit in Deo voluntas, et quousque ei ascribi possit. Ac primum voluntas illa antecedens sanctitatis et salutis Deo inesse videtur, inquit, cum respectu ad omnes homines in Adamo consideratos; qui in eo non solum naturam aeternae beatitudinis capacem, verum etiam et eam justitiam, qua omnes salvari possint, iis dedit. 2. Si consideretur cum respectu ad hominem lapsum, non patet eam in Deo esse quoad omnes homines, cum innumeri (ait ille) quantum nos perspicimus, necessariis et sufficientibus salutis mediis destituantur. 3. Videtur in Deo esse quoad omnes qui in Ecclesia sunt, quibus media sufficientia, idque serio, offeruntur. 4. Dicit se doctrinam Arminianorum minime approbare, qui asserunt Deum electos plus quam alios amare voluntate consequenti, vel ex eo quod praevideat eos credituros, cum voluntate antecedenti omnes aequaliter amet.

Eorum doctrinam non approbat qui asserunt Deum plerorumque humani generis damnationem voluisse voluntate antecedenti, et ante alicujus peccati in iis praevisionem. Agnoscit nil esse in homine propter quod Deus quosdam, aliis praeteritis, ad vitam ordinavit. - - Dicit se id, cum Scriptura, voluntatis divinae beneplacito tribuere, quod, licet occultum, semper justum est. Verum si sermo sit de reprobatione positiva, quae est divinum poenae decretum, dicit id esse ex voluntate Dei consequenti, et peccati praevisionem praesupponere, non tanquam causam voluntatis, sed tanquam rationem voliti. Ostendit 1. Synodum Dordracensem in eadem fuisse sententia, idque patere ex ipsius Canonibus, et Theolo-

gorum, praesertim Britannicorum suffragiis. 2. Scholasticorum doctissimos. 3. Patres, Augustin. ad art. falso sibi imposit. art. 3. "Nemo a Deo creatus est ut periret," vid. art. 11, 13, 15, 16. 4. Omnes Dei vias esse misericordiam et iustitiam. Cum itaque ordinatio quorundam ad mortem aeternam, non sit misericordiae opus, oportet ut sit iustitiae actus, et sic culpae praevisionem supponat. Ad id quod dicitur peccatorum punitionem Deo placere, ac proinde videri eum voluntate antecedenti eandem velle, non minus quam hominum salutem; respondet hominum salutem esse in se Deo gratam, licet nihil respiciamus ex parte hominis, ac proinde congruum esse voluntatis Dei antecedentis obiectum, quod res in se amabilis esse oportet. Sed quod ad hominum poenam simpliciter et in se consideratam, ea Deo grata non est, sed quatenus justa peccati vindicta est. Jerem. Thren. iii. 33. Hinc Aug. Confess. l. iii. c. 2. dicit "miseriam non esse desiderandam ut manifestetur misericordia; etsi approbatur, inquit, officio charitatis, qui dolet miserum, mallet tamen utique non esse quod doleret, qui germanitus misericors. Si enim esset malevola benevolentia, quod fieri non potest, potest et ille qui veraciter sinceriterque miseretur, cupere esse miseros, ut misereatur." Hic notam addit Sibbaldus Casauboni "Deus perdit homines, non propter eorum peccata, sed quia illi lubet; Apage," inquit Casaubonus, "doctrinam hanc ex male intellecto Paulo." Casaub. in Annot. Manuscript. in Calvini Instit. l. 3. c. 22. § 11.

6. Asserit se non posse capere, quomodo dici possit Deum peccatum velle vel voluntate antecedenti vel consequenti: id tantum, inquit, permittit, et permissum ordinat. Concilia antiqua doctrinam oppositam anathemizarunt. Patres Concil. 2. Arausican. can. 23. ita definiunt: "Aliquos ad malum divina potestate praedestinos esse, non solum non credimus, sed etiam si sint, qui tantum malum credere velint, cum omni detestatione illis anathema dicimus." Sic Concil. Valent. cap. 3. "Aliquos ad malum praedestinos esse divina potestate, videlicet ut quasi alii esse non possent, non solum non credimus, sed etiam si sint, qui tantum mali credere volunt, cum omni detestatione, sicut Arausicana Synodus, illis anathema dicimus." Id etiam S. Scripturae plane contrarium videtur, Ps. v. 4., Habac. i. 13. ac sanctitati Dei infinitae in ea revelatae, cui nil magis repugnare videtur, quam actus sceleratos et peccaminosos velle, ac ad eos praedeterminare, cum quidam eorum sint intrinsece mali, ex quibus malignitas nullā circumstantia vel efficientis vel finalis causae, separari potest; quique ideo prohibentur quod sint mali, neque ex sola prohibitionē mali evadunt, ut odium Dei, blasphemia, perjurium, mendacium. Si aliter esset, et Dei voluntate ac efficientia hi actus a malo purgari possent; tum sequeretur quod Deus talia praecipere, et contrario prohibere potuisset. Ita nonnullis conceditur. "Si Deus tum Angelis, tum hominibus imperasset longe diversa, imo opposita liscē, quae jam de facto imperat, non minus sanctus esset Jehova, quam nunc est"; asserit quidam. Sic Deus Angelis et hominibus odium sui praecipere, et amorem sui prohibere potuisset, quod (inquit Sibbaldus) mihi maximum videtur absurdum. In tali casu Dei odium bonum esset, et ipsius amor, malum. 2. Sequeretur inde Deum posse negare seipsum, quae blasphemia est S. Scripturae contraria. 2 Tim. ii. Deus enim est essentialiter amor sui ipsius, et cum recta ratione conformitas, et illius odium est realiter et positive ipsius amoris ac rectae rationi contrarium. 3. Ut in mendacio sit exemplum; si hujus actus non esset intrinsece malus, tunc potuisset Deus hunc actum velle, absit verbo blasphemia. Verum 1. id S. Scripturae contradicit, Hebr. vi. quae dicit "impossibile esse Deum mentiri." 2. Veracitati ac fidelitati quae in eo sunt essentialiter. 3. Si

Rhetorici.
Exercit. Apol.
Exerc. 2. c. 3
p. 387.

posset vel ipse contra veritatem loqui, vel ad id alios movere et praedeterminare, fidei nostrae fundamentum everteretur. Fides enim nostra fundatur in Deiv eracitate ut infallibili, quae nec decipi, nec decipere possit, etc.

Si dicatur, Deum lege non teneri, quemadmodum nos, ipsiusque voluntatem sibi legem esse, ac proinde omne esse bonum vel malum, eo quod ipse libere velit vel nolit; respondet, Deo, licet nullum habeat superiorem, suam tamen, intrinsicam, naturalem ac essentialem rectitudinem ac bonitatem, pro lege esse, quae est essentialiter ipsa bonitas vel virtus; sive quod idem est, ipsi pro lege est, suae sapientiae de bono et honesto dictamen, cum necessario sui ipsius amore conjunctum; vi cuius necesse est ut seipsum tanquam supremum honestum et bonum amet, ac proinde impossibile ut creaturam illam odio habere aut contemnere velit, vel ad reales et positivos istius odii ac contemptus actus praedeterminet, ita enim contra sui ipsius amorem, suaeque sapientiae dictamen ageret, quod dictamen est ut cum sit supremum bonum, ab omnibus ametur, a nemine vero odio habeatur. Vid. Aug. l. 2. de peccat. meritis et remiss. c. 18. de praedestinatione Sanctorum c. 10.

Denique observat eos qui Deum velle actus malos, hominesque ad eos praedeterminare asserunt, confiteri se non posse concipere qua ratione Deus ita volens et concurrere excusetur. Sic Twiss. Vind. l. 2. digr. 8. sect. 23. p. 54. "Etiam," inquit, "non erubescio fateri, licet nunquam dubitarem de sancta Dei naturâ, tanquam ab omni sceleris reatu alienissima, hoc tamen diu me suspensum tenuisse, quatenam scilicet sit illa vera ratio, quâ modus operationis divinae, quo fiat ut se in omni actione tanquam causa efficacissima immisceat, extra tamen omnem vitii contagionem, citra justam culpae suspicionem. Et an hodie per omnia satis explicatum habeamus, Deus novit."

Tandem cum Ecclesiae Lugdunensis in articulo de Deo omnes salvos fieri volente, moderatione, quam merito observandam existimat, finem facit. "Sit ergo inter nos" inquit "etiam hac de re istiusmodi pia cautela et moderatio, quatenus et sanctis Patribus debitus servetur honor, et quolibet quis acquiescat modo ex illis sensibus, qui de hac sententia ab eis positi sunt, non iudicemus esse haereticum; sed potius vitemus contentionis malum, per quod etiam de pacificis et Ecclesiasticis sensibus, potest, qui contentiosus esse voluerit, haereticum efficere quod sentit. Itaque in rebus talibus colibeamus nos ipsos salubri moderatione, ut nec contemnere audeamus, nec quasi necessaria affirmare conemur, memores semper illius Apostolicae sententiae: 'Si quis autem contentiosus videtur esse, nos talem consuetudinem non habemus, nec Ecclesia Dei.' Legamus ergo pacifice, et quantum Dominus donat, intelligamus dogmata Ecclesiasticorum virorum, nec pro aliis doctoribus, adversus alios litigemus; quia et ipsi pacifici in suo sensu abundave- runt, alius quidem sic, alius vero sic, expectantes fideliter atque humiliter, quod Apostolus promittit dicens: 'Et si quid aliter sapitis, hoc vobis revelabit.' Nam qui non tranquille et pacifice moderatur quod sentit, sed statim paratus est ad contentiones, dissensiones et scandala, etiamsi non habeat haereticum sensum, certe habet haereticum animum. Quam pietatis moderationem, si etiam isti boni viri, qui hanc definitionem statuerunt, servare voluissent, melius hanc rem silentio praeferissent, et unicuique de ea secundum fidem suam et auctoritatem, cui magis agnoscendum putaret, sententiam permetterent, finitoque inter eos tam longae et perniciosae contentionis jurgio, pax et unitas Christi Ecclesiae reformaretur." Hucusque Ecclesia Lugdunensis. Salutare equidem et vere Christianum monitum, cui si Christiani Orbis Rectores et Pastores universaliter et serio auscultarent, tot non forent contentiones et scandala in Ecclesia Dei.

APPENDIX.

No. III.

PROCEEDINGS OF THE GENERAL ASSEMBLY AT ABERDEEN IN 1640.
WITH REGARD TO THE WRITINGS OF BISHOP WILLIAM FORBES.

(From *Baillie's Large Supplement of the Canterberian Self-conviction. Opening to the World, yet more of the wicked Mysteries of that Faction from their own Writs*, appended to the third edition of his *Ladensirm* ΑΥΤΟΚΑΤΑΚΡΙΣΙΣ, *The Canterberians Self-Conviction. London. 1641.*)

The Preface.

The factions delay to answer the heave challenge of their self conviction seemes to proceed from inability and despaire.

The progresse of the *Canterburian* plot in *Ireland*.

The well neer accomplishment of it in *England*.

Episcopacie has cut off the eares from the house of Convocation.

Presbyteriall government a great hammer to beat in pieces all Heresies and Schismes.

Examples hereof.

Episcopacie the root of all the evils which vexes the Church of *England*.

It is well knowne, That in our Land none did share so much in the affections of *Laud*, as the two Doctors, *Forbes* and *Wedderburne*. The King by him was made to believe, that of all our Church men these two, for every good quality, were the flower for learning, pietie, lecture of the ancients, and especially for that rare jewell, and, where it can be found in a learned divine in this intemperate age, of a price inestimable, to wit, sobriety, and moderation of judgment in our Controversies with the Church of *Rome*. For these eminencies a new Chaire behoved to be set up, at the Kings great charge, for Doctour *Forbes* in *Edenburgh*, albeit, a little before he had left the Ministry of that Towne, being necessitate, as he declared upon oath, for feare of his life, to flee from the unwholsomnesse of that Cities aire. Notwithstanding, when a Bishops Seat was their erected for the daunting of the Puritan faction, when the Liturgie was in that place to be established, and grounds to be layed for the propagating of the *Canterburian* Dictates through our Kingdome, No excuse of health, or corruption of the aire of *Edenburgh*, was hard: but the Archbishops letter incontinent obeyed, and the Episco-

Doct. *Forbes* advanced in Scotland by *Canterburie*, most for his evill talents.

pall See with a place in the secret Counsell and Exchequer very readily imbraced; The Kings favour, by his great Patrones procurement, still increasing till death did arraigne him before his heavenly Judge.

Doctor *Wedderburne* by his *likeways*.

Wedderburne, though fugitive from our Church discipline for his Arminian lectures to his Schollers in Saint *Andrewes*, was not onely kindly entertained and richly benefited in *England* by the Archbishop, but also sent backe by him Bishop of *Dumblane*, though hee had never beene a Minister amongst us. Neither alone was hee returned a simple Bishop, but also Deane of that Royall Chappell, to the end that his gracious parts might be employed to instill the *Canterburian* Tenets in the heads of the new Societie of the twenty foure Royall Chaplains lately instituted amongst us, as also to discipline our Lords of the Counsell and Session, the proper Parishioners of that Chappell, whom the key coldnesse of all former Deans had permitted to rot in that worst of all soules diseases Puritanisme. It is like that no more faithfull interpreters of the great Prelates mysteries be found, then these two so confident and so much honoured friends. It is the testimonies of their pens that I intend mainly in this Supplement to make use of.

The posthumous writs of these two.

The Writs for a time were kept closed from the eyes of all, but these of their owne faction: amongst them, they went in the darke from hand to hand as a most precious treasure: yet at last, when by the providence of God, wee had lighted upon them at *Aberdein*, in our late Assembly, wee found the truth of the old word *Thesaurus Carbonis*, a Treasure of fiery coales, ready to enflame and burne to ashes, if not quickly quencht, the whole Protestant Church.

The contents of these writs, and the scope.

We found in *Aberdein* three Copies of one Volume, consisting every one of three Books, the one written by Doctor *Forbes* of *Edenburgh*, intending directly the reconciliation of Papists and Protestants in all their controversies. He does there his best endeavours almost in all the questions concerning the three prime controverted heads of the Eucharist, Justification, and Purgatory. Death prevented him that he could wonne no farther. In his latter Will he referred the printing of these his labours to his inward brethren the Bishops of *Rosse*, *Briehen*, and *Dumblane*, Doctour *Sibbalde* of *Aberdein*, and Master *Mitchel* of *Edenburgh*, and above all to his Father and Patron of *Canterburie*. According to this his will, the writs were revised, and so farre as ever wee could learne, in no jot corrected: after their revise they were sent to *Lambeth*, and there received with great admiration. But the challenge of Master *Burton* then comming in, and Doctour *Bastwicks* censure, having made some noise in the Citie, It was the Archbishops wisdom, to delay their printing to a fitter season. Yet the Copies went through the hands of that faction very fast both in *Edenburgh* and *Aberdein*. Yea, while the Doctours were most busied in writing their quæries and duplyes, against our proceedings, the hands of their Scholers were most employed in doubling over and over these excellent pieces.

The writs of *Wedderburn* and *Barnesius*.

The second Treatise of the said volume is a little writ of Bishop *Wedderburn* in high esteeme amongst that party both here and in *Scotland*. The third was a piece of *Barnesius* an *English* Fryer, which hee calls *Romano Catholius pacificus*, much prized by that faction as conducing not a little for their ends of reconciliation: for in sundry of the Roman errors hee seemes to moderate the rigour of the moderne Jesuites, and so is used as a stale to draw with the greater facilitie the mindes of young Schollers towards the Church of *Rome*, unto which for all his moderation hee cleaves so stiffly as may be.

From these three Treatises joyned together in one volume in all the three copies we found, and also from some few more passages of *Mountague*, *Wren*, *Hall*, *Hoord*, and others, wee shall set downe in a new briefe table the doctrine of these men, to the end the world may yet more cleerly see their ways and be forced to proclaime the Justice of God in all the judgments, which in *Scotland* already has lighted, and in *England* are ready to tumble down upon them.

The contents and scope of the following Supplement.

CHAP. I. *The mayne designe of the faction is to bring us back to Rome.*

They will have all Protestants ready to return to *Rome*.

But they scare all Papists to convert to Protestants.

They whom worldly commodities keep still in the Protestant Church, must be carefull to keepe communion with *Rome*, notwithstanding.

England ought to conforme more with *Rome*.

That the Pope for the regaining of *England*, will grant both to the King and *Canterbury*, great conditions.

In *Rome*, no Heresie, no Idolatry.

Only the *Cassandrians* are cleere sighted, and judicious Divines.

These alone who are of their judgement have true grace.

CAP. 2. *Their most grosse poperie in the Doctrines of Faith, Iustification, Merit, fulfilling of the Law, election, perseverance, certainty of salvation, and conner Heads.*

Bishop *Forbes* his ordinary course through his whole booke, is ever to extenuate the difference in the most of the controversies that comes by his hand; as if the matter were not much which of the sides any peaceable minde did beleeve; and that all who make so much noyse about these things, whether Papists or Protestants, are but rigid, passionate, uncharitable, and weak witted men. But no sooner hath he brought his Schollar to a low estimation and contempt of the question, then quickly it is his custome to slide to the popish side, and passionately to oppugne the Protestant tenet as false, absurd, and contrary both to Scriptures, and Fathers. This may be showne in a number of particulars.

After hee hath declared sundrie of our questions about the nature of faith to bee Logomachies, he tells us downe right :⁽¹⁾

1. That saving and justifying faith differeth not from a temporarie belief (from which there is frequently a finall and totall apostasie) in nature, essence, or spece, but only in the accident of duration: That the Divines who in this tenet goe with the Papists and Arminians must be dignified with the stiles of moderation and learning.⁽²⁾

2. That justifying faith is nothing else but a meeere assent of the mind to divine Truths: nothing else but that Catholike, Dogmatick, and Historicall faith.

(1) *Forbes, de justifie.* l. i. c. 3. [p. 16. edit. Lond. 1658.] Sed pertaesii logomachiarum quibus plerique utriusque partis litigantium sese veluti oblectant, de re ipsa dicamus.

(2) *Id.* l. i. c. 1. [p. 3.] Fides *πρόσκαιρος* vera est et non simulata, ejusdemque speciei cum fide justificante, quicquid quidam contra sentiunt: neque enim essentialium fidei distinctionem constituit constantia vel inconstantia credendi, cum ad essentialiam rei non faciat duratio: distinctionem hanc non nisi ii probant Protestantes qui fidem veram et justificantem amitti non posse contendunt, quod dogma alii Protestantes docti et moderati rejiciunt.

That no particular application comes within the nature of it :⁽¹⁾ That trust is no part of faith : That *fiducia* belongs more to hope than faith : yea rather it belongs to other virtues, than either to faith or hope :⁽²⁾ That this trust is a fruit and effect of faith, yet not necessary not inseparable :⁽³⁾ That the application of the promises : That the gripping and laying hold upon grace and salvation belongs to works, and other virtues as truly as to faith :⁽⁴⁾

3. That the object of faith is no way a mans owne salvation, nor his owne peace or justification. That these things cannot be knowne by the certainty of faith, without an extraordinary revelation : That the ordinary certainty which the most gracious men can have that they are in the state of grace or shall be saved, is not a divine perswasion, but an humane and morall one, arising in a great part from humane sence, which is never so certaine as the Word of God, the onely object of divine faith :⁽⁵⁾ No man can know that he is in the state of election without a

(1) *Forb. de just.* l. i. c. 2. [p. 7.] Fides justificans, distincte et theologice loquendo, nihil aliud est quam assensus firmus et certus a Spiritu Sancto per verbum productus, quo omnia a Deo in Scripturis revelata, et praesertim de mysterio redemptionis et salutis nostrae per Christum factae verissima esse credimus, propter auctoritatem Dei revelantis. Proinde in se et essentia sua spectata, nihil aliud est quam fides Catholica, quae et ipsa procul dubio hominem justificat, si caetera omnia ad justificationem necessaria ei adiunt. C. 5. [p. 36.] Per fidem veram et justificantem nihil aliud intelligi debet, proprie et distincte loquendo, quam fides dogmatica.

(2) *Ib.* [pp. 2, 5, 6, 7.] Fides justificans non est fiducia, quod multi Protestantes contendunt. Haec fiducia non est fidei forma; sed quoddam effectum, et non fidei solius, sed aliarum virtutum fidem concomitantium. Fides in intellectu, fiducia in voluntate sita est. Distinctionem fidei et fiduciae, praeter multa Scripturae loca, Patres probant, quibus a contra sententientibus nihil praeter mera *παραφορῶντα* reponitur. Credere proprie loquendo nihil aliud est, quam ei quod dicitur assentire, illudque pro vero habere. Hactenus enim demonstratur fiduciam nullam partem fidei esse, ut neque proprie spes est: spes enim futuri est. fiducia praesentis, magis tamen ad spei naturam accedit quam fidei.

(3) *Ib.* [p. 4.] Non est fidei justificantis forma, sed quoddam effectum: neque etiam est inseparabile et necessarium effectum.

(4) *Ib.* c. 3. [p. 15.] Meminerint etiam Protestantes verbum, atque etiam verbo significatam actionem accipendi vel apprehendendi non nimis superstitiose soli fidei tribuendum esse; nam etiam bonis operibus salutem accipere vel apprehendere in Scriptura dicimur. C. 5 [p. 27.] A. Fricius, vir eruditissimus et concordiae ac moderationis amantissimus, de hac controversia agens rectissime sic scribit: "fidei justificationem ideo assignamus, quod illa apprehendamus et tendamus in misericordiam Dei. Cur non idem de spe et charitate loqui fas sit, quibus et ipsis amplectimur Deum nos sua bonitate justificantem? Non tantum igitur fidei, sed et spei et charitati, et aliis bonis operibus remissionis peccatorum, accessus ad Deum, et alia bona offeruntur. Fides est instrumentum, seu organum recipiens justificationem. Quid autem prohibet quo minus claritati idem tribuamus? dicamusque, ut non propter fidem, ita nec propter charitatem, sed fide et charitate nos justificari? Remissio peccatorum et vita aeterna ut huius, ita bonis operibus frequentur tribuitur." Haec et plura observatu dignissima legas apud Authorem, serio ex sensu pietatis cum veritate coniunctae, et studio tollendae dissensionis inter partes profecta.

(5) *Ib.* l. i. c. 2. [p. 4.] Haec fiducia et si vi assensus, quo speciali quadam applicatione sigillatim quisque credit aut certo statuit sibi remissa esse peccata, non est fidei justificantis forma; sed quoddam effectum, neque id fidei solius, sed aliarum etiam virtutum; neque etiam est inseparabile et necessarium effectum. L. iii. c. 1. [p. 25.] Negant Romanenses, quia docent fideles non habere certitudinem fidei de sua justificatione inde sequi, habere se fideles semper dubitare de sua cum Deo reconciliatione, ut rigidiore Protestantibus illis in pinguit, quia datur aliquid medium inter haec extrema, scilicet certitudo quadam moralis ex parte intellectus. Recte Remonstrantes, "inter dubitationem et divinam certitudinem, humana certitudo media est," quae etsi formidinem contrahit cum dubitatione, scilicet conjunctam excludit, infallibilitatem tamen divinam non includit. *Ibid.* c. 2. [pp. 104—107.] Illi summi gradus certitudo seu divinae fidei *παραφορῶντα* de impertine nimis urgatur, nec ab omnibus fidelibus preceptorum exigitur, utinam illam moralem certitudinem assequi possent. Sententia cum plurimorum Protestantium tum nonnullorum Romanensium de certitudine fidei divinae, ut libere dicamus quod res est, minus tuta est: pugnat enim cum multis Scripturae locis; cum plurimis Patrum dictis; pugnat cum recta ratione: minor enim syllogismi istius. Omnes vere credentes et respicientes peccatorum veniam et gratiam obtinere. Sed ego vere erodo et respisco, Ergo mihi certum est fide divina mea peccata esse remissa, nemini fidelium, quantumcumque evidenter certitudinem habere videatur, aequae certa esse potest quam Major quae ipsissum Dei verbum est; pugnat cum communi fidelium sensu et experientia: equius enim fidem ausit dicere sibi tam certo constare se esse in gratia, quam quod Deus sit unus et trinus?

divine revelation of his perseverance, which is granted to few :⁽¹⁾ Many have a conditionall certainty, that they shall continue if they doe their duty : wee may be sure that God will never be wanting unto us, if wee bee not first wanting unto ourselves : but no absolute promise of perseverance in grace is to be found in Scripture : yea, it were unfit that any such promise should bee extant there :⁽²⁾ Further regenerating and justifying grace is in all baptized infants, from which many fall away totally and finally :⁽³⁾ The Elect themselves, who fall not finally doe often make a totall apostasie from grace, if you consider the acts of grace which alone are saving. As for the habits of faith and other virtues, which may remain as a seed, when the elect by their crimes fall into the state of damnation, they cannot profit, for they are neither saving nor justifying.⁽⁴⁾ Concerning his particular judgement about election and reprobation he hath no occasion to declare it, only hee avowes in passing, that it matters little what we beleeve in these questions, whether we side with *Arminius* and the worst of Papists, or with *Austine*, with the Synod of *Dort*, and the rest of the reformed. His moderation here is to permit the profession of either side if so it be with peace and charity.⁽⁵⁾ He tells

(1) *Ib.* l. iii. c. 2 [p. 106.] Nemini fidelium quantuncunque evidentiæ certitudinem habere videatur citra revelationem specialem quæ non nisi paucissimis sapientissimo Dei consilio indulta est.

(2) *Ibid.* lib. iii. c. 3. [p. 112.] Nihil certius quam certitudinem prædestinationis ad gloriam seu electionis, sine certitudine finalis perseverantiæ, haberi non posse ab homine vere fidei : cum autem hæc absoluta certitudo nec habeatur, nec haberi possit absque speciali revelatione, certe necessario inde efficitur, neque illius certitudinem absolutam et fidei haberi posse. Quid clarius illis *B. Augustini* verbis ? “ Quis ex multitudine fidelium, quando in hac mortalitate vivitur, præsumat se in numero prædestinatorum, quia id occultari in hoc loco opus est, ubi cavenda est elatio.” Et *Bernard*, “ Quis potest dicere ego de electis sum ? certitudinem, inquit, non habemus sed spei fiducia consolatur, ne dubitationis anxietate penitus cruciemur : quales sumus id nosse possumus saltem ex parte ; quales autem futuri simus, id nosse penitus impossibile est. Quæ ad hæc a contra sententibus responderi solent, nimis frivola sunt, et a patrum mentibus aliena, imo plane contraria. Andeo provocare ad iudicium cuiuslibet lectoris in quo vel mica est iudicii liberi et non affectui mancipati. *Ib.* [p. 114.] De finalis fidelium perseverantiæ, plurimi etiam doctissimi Protestantium contra gregales suos sic statuunt : Quod vere fideles, si cum pia sollicitudine pergant salutem operari, de continuo gratiæ divinæ auxilio, et ex eodem de sua finali in fide et gratiæ perseverantiæ certi esse possint et debeant, nisi ipsi sibi desint, ac penes Deum non statutum quo minus perseverent : sed absolutam certitudinem fidelibus, se in officio in posterum non defuturos, sed in fide viva semper perseveraturos, uspiam in Scripturæ et Patrum testimoniis negant ; imo nec necessarium nec utile fuisse ut promitteretur, quin imo ut non promitteretur utilissimum esse affirmant. Hanc sententiam tuerentur Lutherani omnes, et qui in foederato Belgio Remonstrantes vocantur, aliique doctissimi Protestantes : *All this himselfe also doth maintaine.*

(3) *Ibid.* [p. 114.] Existimant fidem iustificantem et gratiam regenerantem non esse electorum propriam, sed aliis etiam multis vocatis, imo omnibus infantibus baptizatis, non κατὰ δύναμιν, nec solum Sacramento tenus ut diversa sentientes respondent, sed reverè contingere, qui tamen a fide iustificante excidere possunt imo non raro excidere solent, cum totaliter tum finaliter.

(4) *Ibid.* [p. 115.] Existunt etiam ipsos electos iustificatos in graviæ crimina lapsos a fide viva et iustificante proprie ad tempus deficere. *Ib.* [p. 121.] Admittunt, qui in hac causâ rigidiores sunt, non tantum electos, sed etiam multos reprobos, ad tempus vere credere et iustificari, postea tamen a sua fide et iustitiâ, vel, si vis, a fide et iustitiâ initiis, penitus et in perpetuum excidere ; quod certe verissimum esse plurima Scripturæ et Patrum testimonia, multæ etiam rationes efficacissimæ evincunt ; et quæ ad hæc responderi solent, inanes tantum sunt argumentorum elusiones et evasiones. In electis iustificatis proficuntur doctiores totalem fidei defectum intelligere se tantum ratione actuum salutarium : qui e potentia seu habitu fidei emanant ; potentiam enim hanc in electis haud unquam omnino extingui, agnoscere se, sed otiosam et inefficacem pro presenti, fidei aut charitatis nomine minime dignari, eo quod talis ad salutem et iustitiam consequendam non sufficiat. [p. 119.] Quod aiunt contra sentientes effectum tantum iustificationis interveniente peccato suspendi ad tempus, statum tamen iustificationis non interdicti, nec id omnino frivolum est. Si quidem licet omnium peccatorum præcedentium veniam Deus peccatori poenitenti indulerit, tamen si is in peccati gravioris et conscientiam vastantis reatum lapsus fuerit, ne dum actu resipuerit, omnis illa primo concessa remissio ad salutem nihil prorsus valet. Nam vel unum atrox peccatum ad hominem, nondum actu super eodem poenitentem coelis excludendum sufficit.

(5) *Ibid.* l. iii. c. 3. Qui electionem describunt vel a priori, id est, ab absoluto quodam Dei decreto, vel a posteriori, id est, a finali in fide et gratiæ perseverantiâ, quæ de re in Ecclesiâ dissidentes semper fuere senten-

us also that wee wrong the Church of *Rome* in saying it teacheth the doctrine of doubting: No more certainty either of present grace, or future salvation can be had than it doth teach: yea, some papists and most protestants do teach men but too much certainty of salvation.(1)

4. However he professeth that the question anent the formall cause of justification in the opinion both of papists and protestants, is of very great consequence; yet he pronounces, very Dictator-like, that the difference is onely Metaphysicall, Notionall, and about words.(2) Neither content thus to have slighted the question, hee comes up in the end to embrace the Tridentine Doctrine to a haire, avowing that the Protestant Thesis: *Fides sola justificat* is false, both against Scriptures and Fathers:(3) for he makes justification to consist essentially of two parts, remission of sins, and sanctification by inherent righteousness:(4) and teacheth that the very first part thereof, the removing of our sins, is produced by way of efficient disposition, by our faith, repentance, feare, and other acts inherent in us, which the assisting spirit of God helps our free will to doe before we be regenerate:(5)

tiae, sed non hostiles et ab omni Christiana charitate alienae, ut hodie, contentiones et pugnae. Haec moderatione adhibita, his haec, quae nunc tantum fervet et agitur, si non plane tolli saltem minui facile potest.

(1) Vide supra ad signum (5), p. 286.

(2) *Ibid.* lib. ii. c. 1 [p. 38.] Questionem de causa formali justificationis *Bellarminus* dicit magnam, *Paracaus* eam facit potissimum causam dissidii inter Ecclesias. Quis tamen unitatis ecclesiasticae magis quam rixarum amans non aliter sentiat? An justificationis causa formalis posita sit in remissione peccatorum sola, an vero etiam in imputatione justitiae Christi, aut an etiam in interna renovatione et sanctificatione, dissidia videri possint ferme Metaphysica, inquit *Stapletonus*, haud absimilia disputationi Logicorum in quo ponenda sit ratio essentialis quantitatis, an in mensura? an in divisibilitate? aut an in extentione partium? *Ibid.* cap. 4. [p. 61.] Sanctificationem Protestantibus confitentur cum justificatione perpetuo conjunctam, eam tamen esse justificationis partem aliquam, aut ad formam essentialem pertinere, communiter non admittunt. Dissentio haec licet magis momenti, imo maximi videatur dissidentibus, praecipue rigidioribus Protestantibus, omnibus tamen diligenter et absque praedicio expensis, forte magis notionalis et verbalis esse completur, quam realis. Iam sententiam rigidiorum Protestantium, nec Scripturis, nec Patribus, nec rationi satis esse consentaneam.

(3) *Ibid.* l. i. c. 5. [p. 36.] Cum nusquam in sacris literis discrete dicatur nos sola fide iustificari, neque Patres tantum in eadem sententia particulam (sola) usurparunt, sicut nunc a plerisque Protestantibus usurpatur, quicquid contra hi sentiant: Cum explicationes et conciliationes nuper exegitae inanes sint prorsus: Cumque tandem viri quidam doctissimi et harum et illarum partium, litem hanc nimis necessariam esse existimaverunt, atque etiamnum existimant: Nos solius veritatis et unitatis in Ecclesia studio inducti illis accedentes, consensum de illa non amplius pertinaciter altercandum, et proinde omnium rigidiorum Protestantium sententiam et a veritate, et a charitate Christiana alienam esse, qui assertionem de sola fide non iustificante communiter a Romanensibus defensam, citra opinionem meriti, etiam improprie dicti, vel fidei ipsius, vel aliorum actuum cum fide ad iustificationem concurrentium, non solum cum ipsa Scriptura et piis Patribus e diametro pugnare contendunt; sed etiam praeter alia innumera, instam Protestantibus a Romana Ecclesia secedendi causam praebuisse. *Ibid.* c. 4. Per vocem (sola) Patres nunquam omnia simpliciter gratiae et fidei opera a causa iustificationis, et salutis excludere voluerunt; sed tantum opera naturae et legis, &c. Multi insinues Protestantibus de particula (sola) in propositione (fides sola iustificat) praesertim cum in Scriptura non invenitur *ἁπλως*, non esse pertinacius contendendum censuerunt; imo potuisse totaliter omitti pacis causa. *Petrus Bero* manifeste demonstrat non fide sola proprie sic dicta, sed etiam spe, dilectione, et respicientia nos iustificari.

(4) *Ibid.* lib. ii. c. 4 [p. 68.] Si ad iustificationis impii formalem rationem non pertinet In-actio, ut ita loquar, tum in peccatoris iustificatione non tollitur peccati macula: multis rationibus, ex Scriptura et Patribus de promptis probari potest sanctificationem etiam, et non solum, remissionem peccatorum, ad iustificationem pertinere; quas urgent vehementer Romanenses; nec ad illas *Paracaus*, *Charnicus*, alique quicquam solidi respondent. Cap. 5 [p. 72.] Hanc fuisse communem Patrum, tum Graecorum, tum Latinorum sententiam ex pluribus illorum dictis, *Angustinus* praesertim, nemini in Petrum scriptis versato non constare potest.

(5) *Ibid.* l. i. c. 3. Negant Protestantes quidam actus illos timoris, spei, poenitentiae, orationis, propositi suscipiendi Sacramenta, quibus Romanenses atque etiam saniores Protestantes, peccatores ad respicientiam saltem disponi affirmant; negant, inquam, illi actus hosce cum fide ad iustificationem illo modo concurrere posse; sed rectius alii moderatores ultro concedunt varios actus dispositivos et praeparatorios per Spiritum sanctum assistentem, non per solas liberi arbitrii vires in nobis productas, aut iustificationem requiri, quan-

Also that after our regeneration, the true, proper, efficient, immediate, and formall cause of our justification is alone the works of our faith, our repentance, receiving of the Sacraments, confession of our sins to men, deeds of charity, &c.⁽¹⁾ And that this our inherent righteousness, whereby we are immediately justified, whereby our sins are formally purged away, may be called Christs righteousness onely, because God puts it in us for the sake of Christs satisfaction.⁽²⁾ Christ is our righteousness not properly, his merits cannot be the immediate and formall cause of justification, but only the externall and procaretick efficient.⁽³⁾ That it were many ways absurd to say, that Christs righteousness were imputed unto us, or that our sins were imputed unto him.⁽⁴⁾

5. That the best way to conciliate St. *Paul* excluding works from our justification, and Saint *James* including workes therein, is to take St. *Pauls* workes for these of the Ceremoniall Law; also for these of nature, and of the Morall Law

quam vim iustificandi eosdem habere plerique eorum negent. *Ibid.* Non tamen ideo disporis hosce actus vim aliquam iustificandi habere negandum est cum plurimis Protestantibus; nisi plurimis et apertissimis Scripturæ locis vim apertam interre velimus.

(1) *Ibid.* 1 i. c. 3. Concedendum est eos actus esse causas ipsius iustificationis aliquo modo efficientes, non quidem per modum meriti, sed ex sola Dei benignitate: poenitentiam non tantum ad iustificationem disponere, sed et medium esse, consequendi remissionem peccatorum, ideoque rationem causæ aliquam habere probant varia Scripturæ loca, ubi docetur non tantum quibus et quales sunt quibus peccata remittuntur, ut frigide ea diversum sentientes quidam Protestantes exponunt; sed et quam ob causam, causam, inquam, suo modo et in suo genere, et sub qua conditione remittuntur. Inter alios Protestantes videtur *Tanstinus*, nihil frequentius apud patres legas quam per poenitentiam peccata deleri, abluī, purgari, et ut per medicinam abstergi. Idem etiam affirmant doctiores Protestantes, et quotquot contentioso hoc sacculo et pugna, pacis et concordie studiosi existerunt. *Polanus* vi veritatis coactus, remissionem peccatorum respicientia, confessione, lachrymis, precibus, ex fide profectis impetramus, sed non meremur. Utinam Protestantes omnes hanc sententiam a *Polano* sic expressam profiterentur constanter: nihil enim fere litis hac de re inter saniores utriusque partis interesset. Item *Pelicanus*, multas sunt apud Christianos vias consequendi remissionem peccatorum, baptysmus, martyrium, elemosyna, remissio in delinquentes contra nos, humilis confessio facta vel Deo, vel cum lachrymis et cordis amaritudine, homini. Eadem legere est de efficacia pili dictus et ieiunii in delendis peccatis nostris per Dei misericordiam. Itaque quidem dantur rigidi et pertinaces Zelotæ. Innumera sunt Scripturæ loca quibus remissio peccatorum bonis operibus attribuitur; imo si quis non oscitanter Scripturas legat, plura fere numerabit loca, quæ conditionem bonorum operum exigunt, ut veniam peccatorum et vitam æternam adipiscamur, quam quæ conditionem fidei, simpliciter sic dictæ, requirunt.

(2) *Ibid.* 1. 2. c. 4. Non quaeritur, ut rigidiores Protestantes arbitrantur, quid sit propter quod Deus peccatores iustificet et in gratiam recipiat. Nam si de causa meritoria quaeratur, quæ proprie designatur voce (propter) libenter concedunt Romanenses hanc esse solum Christi meritum, neque quicquam nobis inherens. Quod sive causa formalis, quæ proprie voce (per) designatur, i. e. Quod illud sit per quod homo iustificatur, affirmant Romanenses iustificari hominem per iustitiam sibi a Deo propter Christi merita donatam, et non per ipsum Christi meritum forisuscus imputatam: quæ contra pro *Chemitio* respondentur a *Gerhardo* et *Pareo*, solida non sunt, nec statum quaestionis recte propositum attingunt.

(3) *Ibid.* 1. 2. c. 3. Rectius nonnulli alii Protestantes et communiter Romanenses, iustitiam seu obedientiam Christi nobis imputatam, non causam formalem, sed meritariam tantum et impulsivam, quam *πρόκαταρκτικήν* vocant, iustificationis nostræ statuunt. Iustitia enim Christi nos iustificari, et ut causa formalis, et ut meritoria, dici non potest; cum causa formalis interna, efficiens vero tantum externa sit. Cum Christus iustitia nostra dicitur, intelligendum, non, ut *Lancelotus Andreas* et cæteri omnes Protestantes, proprie, sed in sensu casuali et improprie; quia scilicet Christi merito iustitiam proprie dictam a Deo accipimus.

(4) *Ibid.* Nulla necessaria ratio imputationis iustitiæ Christi afferri potest: ita ut præter remissionem peccatorum et iustitiam inherentem, quæ utraque effecta sunt satisfactions et meriti Christi nobis imputati, haudquaquam opus sit ad formalem iustificationis rationem constituendam nova illa imputatione iustitiæ Christi. Imo si per iustitiam Christi nobis imputatam iusti haberemur et essemus, proinde ac si propria sit et intrinseca ea formalis iustitia, hæc incommoda sequi viderentur, 1. ut urgent Romanenses, Non minus iusti censeri deberemus quam ipse Christus. 2. Omnes qui iustificantur acque iustificarentur. Denique sequeretur adeo iustus esse in hoc sæculo ac in futuro. A vero alioquin est, quod hic et alibi passim ab illis affirmatur, Christum vere et realiter per imputationem peccatorum coram Deo habitum fuisse. Suscepit quidem Christus in se, debitum solvendæ poenæ nostris peccatis debitæ, peccata tamen nostra eorumque reatum proprie in se non suscepit; longe enim aliud est peccatum et debitum solvendæ poenæ.

wrought before faith, and considered in themselves without grace: But St. *James* of the workes of grace flowing from faith.(1)

6. That faith doth justifie us not improperly by way of metonymie, as standing for Christs righteousness applied unto us by the hand of faith: but properly as it is a work of grace in us, and a beginning of all other inherent graces, which flow from it as a fountaine.(2)

7. That justification is rightly distinguished, in *primam et secundam*: The first consisting of the remission of sinnes, and inherent righteousness: The second of the continuance and progresse of both these two.(3)

8. That inherent righteousness in the godly is often so perfect as it fulfilleth the Law, so far as God requireth the Law under the Gospell to be fulfilled: for God in the Covenant of grace commandeth nothing impossible:(4) Sundry of our workes performed in that measure of grace we get from God are perfect without the spot of sinne.(5)

(1) *Ibid.* lib. 4. c. 6. Nulla alia solida *Iacobi* verba explicandi et cum *Paulo* conciliandi ratio relinquitur, quam haec saepius exposita, *Paulum* sc. a negotio justificationis excludere tantum opera quae fidem praecedunt, et ex sola legis cognitione proficiunt: *Iacobum* vero loqui de operibus fidem consequentibus, et ex illa natis, atque ab ea directis. *Ibid.* l. i. c. 4. Opera quae a negotio salutis et justificationis excluduntur, Rom. iv. Gal. ii. et alibi, sunt legis naturae et Moisaicae, non tantum caeremoniales, sed etiam morales a Gentilibus et Iudeis ante fidem vel gratiam Christi, ex solis liberi arbitrii viribus facta, quae operantes sibi imputabant et non gratiae Christi. Non autem opera ex fide et speciali gratiae auxilio facta. Apostolus suam iustitiam quae ex Lege est, id est, Legalem et Iudaicam, quam ante conversionem ad fidem Christi pro iustitia habuit, prae illa quae est ex fide Christi pro detrimento habet. De omnibus vero suis tam ante quam post factis operibus loqui ibi Apostolum et omnia omnino pro damno et stercore habere, error est crassus quorundam Protestantium. Quod affirmant multi Protestantes negare Apostolum simpliciter *Abrahamum* ex operibus, etiam fidei, iustificatum esse, falsum est; sic enim B. *Paulo* contradiceret *Iacobus* disertissime contrarium asserens. Ineptas horum locorum in specie pugnantium conciliationes nihil moror.

(2) *Ibid.* l. i. c. 4. Nec possunt omnia omnino opera a causis justificationis excludi, nisi excludatur fides ipsa; quam esse opus quoddam nostrum, id est, auxilio gratiae a nobis praestitum, quis negat? Errant illi Protestantes qui fidem non proprie sed correlative et metonymice accipi volunt, cum illa iustificari dicuntur, scil. pro iustitia Christi et remissione peccatorum fide apprehensis: certe Scripturam non interpretantur sed torquent, et vim fidei frigidissime exponunt, illi qui sic sentiunt. Errant etiam illi qui fidem a negotio justificationis excludunt, ut est opus; nam fidei actione non habitu iustitiam apprehendimus; proinde fides in negotio justificationis accipienda, ut actio et operatio.

(3) *Ibid.* l. vi. c. 6. Perperam a Protestantibus rigidioribus rejicitur distinctio usitatissima justificationis in primam et secundam; nam, praeter primam quae in omnium peccatorum praecedentium remissione et gratiae sanctificationis donatione posita est, necessario etiam admittenda et agnoscenda est justificatio secunda, quae consistit in progressu, augmento, et complemento (pro statu vitae) iustitiae primum donatae, et in remissione illorum delictorum in quae quotidie incidunt. De hac loquitur Scriptura, qui iustus est iustificetur adhuc. De Patrum sententia quis hic dubitet? Nimis igitur absurda est rigidiorum Protestantium sententia, qui non tantum cum ceteris rigidis Protestantibus a justificationis formalis ratione manentem in nobis iustitiae habitum, et emanantem ex ea operum iustitiam excludunt, &c. Iustificatio certe actus est continuus, quam sit et duret, quandoque fidei vitae actus duret; interruptitur, vero semper et toties quoties illi cessant, Christianae pietatis officio ita postulante.

(4) *Ibid.* l. iv. c. 3. Legem consideratam non in rigore, sed κατ' ἐπιεικειαν, seu pro modulo et viribus quas in hac vita habemus, et quoad praestationis gradum quem Deus foedere Evangelico a nobis praeceise requirit, ut promissae remissionis peccatorum et vitae aeternae participes fiamus, impleri posse, negari non potest, neque debet; ut recte Remonstrantes, Apol. c. 17. De Patrum sententia dubitari non potest, qui Deum justum et bonum, simpliciter nobis impossibilia praecipisse sub poena damnationis aeternae, simpliciter negant.

(5) *Ibid.* l. iv. c. 5. Cum Deus suaviter et benigne nobiscum agere velit, nec quiequam foedere Evangelico exigit quod vires gratiae collatas omnino excedat, certe nimis plus rigidi et hyperbolici sunt Protestantes illi qui praestantissima etiam iustorum opera peccato inquinata, et aeterna morte digna ex se, quanquam per gratiam Christi facta esse contendunt. In multis, inquit *Iacobus*, offendimus omnes, non dixit in omnibus. Omitto alia innumera ad quae contra sentientes nihil reponunt praeter inaniam effugia. Opera quae hic a renatis sunt ea fidei et charitatis mensura quae foedere gratiae praescribitur, et nobis possibilis est, et in qua Deus gratiose acquiescit, a peccati macula et reatu omnino immunia sunt.

9. The question of merit is but a Logomachie:(1) The Councell of Trents act about merit may be subscribed: for it speaks about merit absolutely, without expressing any proper merit of condignity: That good works merit salvation needs not be denied: neither also that in good workes there is an improper merit of condignity: that is, a true and proper efficiency in obtaining salvation: for good works are not only the way to the kingdome, but also the true and proper efficient causes in their owne kinde, for which we obtain the kingdome. In respect of this efficiency, and not only necessity of presence, the Fathers in an harmlesse sence call good works commonly merits.(2) These of the papists who do vaunt most of their merits, and presse furthest Justification by workes, may well obscure, but doe not evert, as did the *Galatians*, the vertue of Christs merits.(3)

CAP. 3. *Their faith in the heads of Transubstantiation, halfe Communion, adoration of the Bread, sacrifice of the Masse, prayer for the Dead, and Purgatorie.*

In the Sacrament of the Lords Supper consider their Doctrine: Bishop *Forbes* in his booke of the Eucharist, concerning the presence of Christs body in the Sacrament teacheth:

1. That the doctrine of *Calvine* and his fellows in this head is very uncertaine, doubtfulsome, and slipperie.(4)

(1) *Ibid.* l. v. c. 4. Tota hæc disputatio de meritis, multis Theologis moderatis logomachia tantum videtur. Dissidium, inquit *Spalatensis*, in verbis est, ubi de meritis certant partes. *Item* l. iv. c. 1. Conclusionem illam quam ponit *Bellarminus* in fine cap. 9. necessaria esse ad salutem bona opera, non solum ratione præsentia, sed etiam ratione aliqujus efficientiæ, et non minus opera ad salutem quam fidem suo modo referri, admittunt plurimi et doctissimi Protestantes, et disputationem hanc inter partes plane inanem et inutilem, inesse meram logomachiam nos existimamus.

(2) *Ibid.* lib. v. c. 4. Quibusdam Protestantibus et aliis viris moderatis et pacis amantibus non omnino improbatur sententia Romanensium, qui meritum de condigno proprie sumptum simpliciter rejicientes, admittunt tamen in bonis justorum operibus meritum aliquod, sed improprie dictum, congruisse: sed non ut Scholastici meritum illud exponunt. *Ibid.* in *Concilio Tridentino*. Absque omni mentione meriti, vel de congruo, vel de condigno hoc tantum dicitur, si quis dixerit hominis justificati opera bona vere non mereri vitam æternam, Anathema sit: scilicet Patres hi non ignari acerrimarum contentioforum quæ in scholis agitantur de merito condigni, illiusque ratione et fundamento, more suo, ut de pluribus aliis, generaliter tantum et ambigue loqui tutum et commodum esse censuerunt. *Ibid.* Sufficiat hic dicere esse meritum aliquod, et dignitatem aliquam operum nostrorum, quæ tota a dignatione divina pendeat, sed a merito de condigno proprie et exacte dicto, asserendo abstinere. *Ibid.* cap. 1. Cum Deus nec promiserit dare, nec juxta promissum reddat vitam nisi bene operantibus, necesse est in considerationem aliquam vocari in rei promissæ redditione bona opera, juxta conditionem requisitam præstita, et rationem aliquam habere causæ suo modo efficientis, et ut Patres loquuntur merentis, id est, inpetrantis, præsertim quum id quod redditur toties in Scripturis mercedis nomine insequatur. *Ibid.* l. iv. c. 1. Hi sunt qui venerunt ex magna tribulatione, *διὰ τούτο* sunt autem thronum Dei. Hæc verba clarissime demonstrant bona opera ad salutem relationem habere, non ordinis tantum, ut frigide cum aliis respondet *Paraen.* qualem habet medium ad finem, Antecedens ad Consequens, Causa sine qua non, ad effectum: sed relationem etiam causalem, qualis est ratio causæ suo loco et modo efficientis. Eadem semper fuit sententia Patrum, quorum plerisque etiam vocabulo, meriti, ad hæc efficientiam significandam usus constat, non tamen eo sensu quo hodie a multis Romanensibus usurpatur. Quod autem ex *Bernardo* obijciatur, bona opera esse viam regni, non causam regnandi, hæc illud valde debile est: nam negat *Bernardus* tantum bona opera esse causam propriæ, et ex condigno meritoriam ecclesiis regni.

(3) *Ibid.* l. i. c. 4. Romanensium plurimi sua vinia meritorum jactantia, quamquam ex Christi gratia provenientium, multum Christi gratiam obscuro, quamquam non omnino evertant, quod faciebant illi quibuscumque Apostolo res fuit. *Gal.* ii.

(4) *Forbes.* de *Eucharistia*, l. i. c. 1. paragr. 6. Cum bona *Calvini* venia dictum esto, *Calvini* sententia, et doctrina hæc de re, incerta maxime, dubia, atque lubrica multis viris doctissimis semper visa est. Et abunde id a pluribus cum Romanensibus tum Lutheranis Theologis est demonstratum.

2. That the reall and substantiall presence of Christs body in the Sacrament is out of question most firmly beleevd by both sides.(1)

3. That Christs body in the Sacrament is received not only by our spirit, by our faith, by our understanding, but also with our very body : that it enters into us, and is received in some sence corporally, both in regard of the object, *Christs* body being received : and in regard of the subject our body being the receiver.(2) Yet the way of receiving is spirituall because miraculous, above the capacity of our spirit and faith, to be left unto the omniscience of God to be understood, and his omnipotent power to be wrought.(3)

4. That Transubstantiation is no heresie,(4) but an error of very meane quality.(5) That it is not so great an error as Consubstantiation.(6) That since many of our Divines esteeme Transubstantiation, yea and Ubiquitie also to bee er-

(1) *Ibid.* paragr. 7. Tutissima et rectissima videtur illorum Protestantium et aliorum sententia, qui corpus et sanguinem vere, et realiter, et substantialiter in Eucharistia adesse, et sumi existunt, imo firmissime credunt, sed modo humano ingenio incomprehensibili, ac multo magis inenarrabili, soli Deo noto, et in Scripturis non revelato.

(2) *Ibid.* par. 2. (qui digne hæc mysteria sumit, ille vere et realiter corpus et sanguinem Christi in se, sed modo spirituali, miraculoso, et imperceptibili, sumit. *Ibid.* par. 24. Neque etiam Protestantes illi mentem Spiritus sancti in Scripturis et patrum assequuti sunt, qui illud spiritualiter recipere intelligunt, solo intellectu et pura fide recipere Christi corpus, sic enim (ut *Spalatus* verbis utar de Repub. l. v. c. 6. in appendice ad *Cyrrillum Alex.*) Nihil differet Sacramenti receptio a fide incarnationis, adde etiam mortis et passionis, differt tamen plurimum con i effectu, quia per fidem incarnationis assequimur et corporis immortalitatem et animæ salutem, in Eucharistia vero idem assequimur, sed in modo operandi; præter fidem qua per solum intellectum unimur carni Christi, quæ est objectum nostræ fidei, ponimus conjunctionem quoddam spirituales veræ et realis carnis Christi cum anima et corpore etiam nostro, quam melius vocare non possumus quam Sacramentalem, quod ait *Cyrrillus* nos corpori Christi corporaliter uniri significat certe, ubi de Eucharistia est sermo, nos corpore ipso nostro recipere verum Christi corpus, non sola et pura fide per intellectum solum, quasi Christus nobis uniretur tanquam objectum nostræ potestatis intellectivæ, sed vere et proprie etiam corpore ipsius Christi corpus recipimus, non tamen per os et trajectionem in stomachum, sed modo nobis ignoto et penitus miraculoso, quo in comestione ipsa et concoctione panis, et vini verum Christi corpus nostro etiam corpori communicatur; sed quomodo in particulari id fiat, ne fidei quidem nostræ esse revelatum. Itaque nos Christi corpori corporaliter in Eucharistia sumptione uniri, potest habere duplicem sensum; alter est, Corpus ipsum Christi materiale per os nostrum in stomachum trajici: alter vero, Nos corpore etiam nostro et non solo intellectu ac spiritu si digne accedamus verum Christi corpus recipere, non per os et stomachum, sed alia via soli Deo nota, quam ideo spirituales vocamus. Primum illud corporaliter non est admittendum, quia jam non esset modus occultus et soli Deo notus; alterum vero, corporaliter, omnino est in *Cyrrillo* admiittendum, quod et objective et subjective intelligitur ita, ut corpus Christi sit receptionis objectum, et corpus nostrum huiusmodi receptionis subjectum, non solum spiritus aut intellectus, ita ut corpus Christi sit in nobis non solum objective, sed etiam subjective, modo tamen spirituali divino et ineffabili. *He clears this more cap. i.e. paragr. vii. from a passage of his much commended Barnesius in these words, De Transubstantiatione non est litigandum cum his qui admittunt realem corporis Christi præsentiam in Sacramento, ita ut Christi corpus cum pane intret in os, et manducetur non solum spiritualiter fide cordis, sed etiam sacramentaliter fide oris, juxta illud Augustini, qui ait, Nos in Eucharistia Iesum fidei corde et ore suscipere.*

(3) *Ibid.* lib. 1. c. 1., par. 24. Modum fatemur cum Patribus esse ineffabilem, inexplicabilem, inexpressibilem, inquisivum, ut *Cyrrillus* vocat, hoc est non inquirendum, non indagandum, sed sola fide credendum, imo vero nec fidei nostræ esse revelatum quomodo in particulari id fiat.

(4) *Ibid.* lib. 1., cap. 4., in titulo, Ostenditur nec Transubstantiationem, nec Consubstantiationem hæreses esse. Paragr. 5. *Hookerus*, licet et Transubstantiationem et Consubstantiationem improbet, pro opinioibus tamen superfluis habet. *And* in *Spalato his words*, Fateor neque Transubstantiationem, neque ubiquitatem hæresin ullam directe continere, nec propterea qui eas tenent et assunt, non sunt tanquam hæretici a Catholicis reputandi.

(5) *Ibid.* paragr. 3. *Lutherus* scribit in maiore confessione se hactenus docuisse et adhuc docere parum referre nec magni momenti questionem esse, sive quis panem in Eucharistia manere, sive non manere, sed Transubstantiari credat. Itaque ille cum paulo pacatior esset: eius viri inconstantiam in aliis scriptis non excuso.

(6) *Ibid.* paragr. 5. Longius consubstantiationem quam transubstantiationem sententiam a verbis Christi recedere, si vel litera spectetur, sive sensus, Calviniani communiter affirmant.

rors, praeter-fundamentall(1) which may bee well tolerated. And notwithstanding whereof Communion in preaching, praying, and Sacraments may well be kept with the *Lutherans*, as brethren in Christ:(2) Why should not the like charity bee transferred to the doctrine of Transubstantiation(3) which *Luther* when hee was in a right and peaceable mood professed to be a Tenet not to be stood upon,(4) for it is contrary to no Article of faith,(5) nor to any ground of nature: It imports no contradiction, nor any thing impossible.(6) That dimensions be penetrate; That one bodie be in mo places at once: That mo bodies should bee in one place; That accidents should bee without a subject; all this is not onely possible, but hath actually beene oftentimes already, for the body of Christ in his birth, in his resurrection, in his ascension, and when he came to his Disciples *Jannis clausis*, did penetrate the dimensions of other bodies, and was in the same place with them: The body of *Ambrose* was in two places at once: Light in the first three dayes before the creation of the Sunne, was an accident without a subject.(7)

(1) *Ibid.* paragr. 5. In *Paraeus his words*, Stipulas et ligna intelligit Apostolus dogmata non plane haeretica, impia, blasphema non cum fundamento pugnantia, sed erronea, vana, curiosa, qualia, sunt credere quod caro Christi ubique sit, quod in pane sit et oraliter maudetur. Non sunt igitur haec dogmata haeretica, et cum fundamento doctrinae salutaris pugnantia.

(2) *Ibid.* paragr. 5. Porro qui in uno tantum doctrinae capite eoque fundamentum directe non concernente dissentiunt, eos charitatem nequaquam abrumperet, sed pacem colere omni modo convenit. And from the *Polonick Synod, reconciling Lutherans and Calvinists, as they are called*, illorum Ecclesias Christiano amore prosequamur et Orthodoxos fateamur, extremumque valedicamus: et altum silentium imponamus omnibus rixis, distractionibus, dissidiis. Ad haec recipimus persuasuros nos omnibus, atque iocivatos ad hunc Christianum consensum amplectendum, alendum et obsignandum praecipue auditione verbi, frequentando tam viuis quam alterius confessionis coetus, et Sacramentorum usu.

(3) *Cap. iv., paragr. 5.* In *Spalato his words*, Credat qui vult panem transsubstantiari in Christi corpus, et vinum in sanguinem, credat qui vult corpus Christi sua ubiquitate coniungi pani Eucharistico, ego neutrum credo; Illi qui credunt suo tempore suae credulitatis accipiant confusionem, Cum his ego in reliquo Catholicis communicare, et volo et debeo, non enim levi de causa faciendum est schisma, sed in eorum erroribus nolo communicare.

(4) Vide pag. 292, ad signum (5)

(5) *Lib. i. cap. 4, par. 6.* In *Spalato his words*, Non tamen errores hi sunt in fide, quia nulli fidei articulo sunt contrarii.

(6) *Lib. i. cap. 2. paragr. 1.* Nimis audacter et admodum periculose negant Protestantes multi Deum posse transsubstantiare panem in corpus Christi, id quidem quod implicat contradictionem non posse fieri concedunt omnes: Sed quia in particulari nemine evidenter constat quae sit uniuscuiusque rei essentia, ac proinde quid implicet ac non implicet contradictionem, magnae profecto temeritatis est Deo limites praescribere. Placet nobis iudicium Theologorum Vitebergensium qui asserunt Potentiam divinam tantam ut possit in Eucharistia substantiam panis et vini in corpus et sanguinem Christi commutare.

(7) *He striveth to prove all this by divers authorities, at last he bringeth in* *Casus the Philosopher*, Audiatur etiam si libet, benigne lector, *Joan. Casus Anglus in Comment. Physic.* lib. viii. Non, inquit, nego quia divina potentia fieri possit ut unum numero corpus in locis pluribus simul existat, cum constat virtute divina corporum penetratione posse fieri, quod manifeste probat, duo corpora posse esse in eodem loco: quare a pari, non minus possibile per eandem virtutem unum corpus in locis pluribus contineri. De priori parte nemo Christianorum dubitat qui credit Christum illaeso virginis utero natum, clauso sepulchro resurrexisse, ad Discipulos obsecratis foribus intrasse, et ascendente ad patrem coelum penetrasse. De altera vero parte qui litigare debet, si placeat Divinae Majestati potentem virtutis manum Petro porrigere, ut supra aquas inambulet, et divo *Ambrosio* ut eodem instanti Divinis rebus Mediolani assistere, et Turonibus exequiis divi *Martini* episcopi interesse dicatur, si *Antonino* viro fide digno, sic narranti credamus. Neque est quod hinc concludas contradictionem in Deo, quae enim potest esse in infinito contradictio? si rationem ergo non videas, ne statim exclames ut soles, haec fabula est, fieri non potest: imo sine contradictione Deus efficere potest ut unum ideum numero corpus in duobus simul subsistat locis, aut duo in uno: qui enim omnia ex ubilo finxit, efficere potest ut corpus clauso sepulchro, non per angelos, ut ais, remoto lapide, surgat; et clauso ostio, non cedente ad somnia, ad Discipulos intraret. Haec ille quem cum opere laudant mirifice plurimi tum Theologi, tum Medici, et Philosophi Oxonienses, ut videre est in operis initio. Viri moderationem commendando: saepe etiam est aliter verba opportuna loquutus. *Ibid.* paragr. xi. Accidentia per divinam omnipotentiam extra omne subjectum posse existere putavit *David Gorlaeus* Ultrajectinus in suis *Exercitiis*. Physicis, cum et extitisse ait, videri deduci ex historia creationis, nam prima lux in nullo erat subjecto.

5. That many poynts of our faith are of greater difficulty to beleewe then Transubstantiation :⁽¹⁾ That it is against charity ; yea, against verity to call Papists Capernaite eaters of Christs flesh :⁽²⁾ That not only the Latin Church, but also the Greek, for many ages, hath believed Transubstantiation : That it is rashnesse in *Chemnitius* and *Morton* to deny this :⁽³⁾ Yea *Cyril*, Patriarch the other yeare of *Constantinople*, persecuted by the papists even unto death for his Orthodox Doctrine, opposite to Transubstantiation, is railed upon by our men in the words of a Jesuite one *Arcudius*.⁽⁴⁾

6. Doctor *Forbes* professeth his admiration : That *Morton*, or any English Bishop should count Transubstantiation an intolerable difference, hindring reconciliation, it being but a question rather modall then reall.⁽⁵⁾

Anent communicating in one kinde, He professeth many cases, wherein it is lawfull to use the Bread alone without the Cup,⁽⁶⁾ and that the Church of *Rome* is in no case to be condemned for depriving the people of the Cup in their most solemne Communions.⁽⁷⁾

Concerning the Consecration, he telleth us, That the consecratory words must

(1) *Ibid.* parag. xiv. Certe haud pauca firmiter credimus omnes, quae si ratio humana consulatur, non minus impossibilia esse, et contradictionem manifestam implicare videntur quam ipsa Transsubstantiatio.

(2) Lib. i. cap. iv. parag. ult. Ob hanc sententiam de orali indignorum manducatione corporis Christi sobrie et modeste defensus, quod a plerisque cum Lutheranis tum Romanensibus sit, nolum illos infamari ut Capernaïtas caruivros, *αἰκαρηνούς* ; Haec enim convitia, ut nihil veri in se habent, ita ab omni Christiana charitate aliena sunt, ac proinde ab illis abstinendum est, si Deum, si veritatem et utilitatem Ecclesiae amamus.

(3) *Ibid.* cap. iv. par. ii. Certum est recentiores Graecos a Transsubstantiationis opinione non fuisse, nec etiam omnino esse omnino alienos, hosce autem omnes pietatis Christianae cultores, haereseos aut erroris exitialis damnare, magnae profecto temeritatis est et audaciae. *Ibid.* Dieti omnes Graeci in suis opusculis Transsubstantiationem confitentur, et in Concilio Florentino non fuit questio inter Graecos et Latinos, ut Chemnitius alicui multi Protestantes affirmant, Au panis substantialiter in Christi corpus mutaretur, sed quibusnam verbis illa ineffabilis mutatio fieret. *Ibid.* Non possum non mirari quomodo *Thomas Mortonus* neget *Hieronymo* Patriarchae Transsubstantiationem creditam fuisse. Ante paucos annos cum hac de re ego cum Episcopo Dyrrachiensi, viro certe non indocto conferrem, Transsubstantiationem clarissime confitebatur.

(4) Vnde *Petrus Arcudius* in Praefatione operis sui ad Poloniae Regem, Non destiterunt, inquit, illi haeretici vexare infelices Graecos, dum quandam *Cyryllum* pseudo-Patriarcham Alexandrinum Calvinianae furiae alumnum, soluta Turcarum Imperatoris pecunia, Graecis alterum Anti-Papam obtruserunt, Is quamvis genere, nomine, habituque sit Graecus, alterius tamen gentis nefaria dogmata toto pectore hausit.

(5) *Ibid.* parag. 2. Non levis subit animum meum admiratio, quando apud *Thomam Mortonium* Episcopum Ecclesiae Anglicanae legi, nemini Protestantium eam moderationem placere posse de discrepantibus super modo praesentiae corporis Christi in Sacramento sententiis, ut sectam Romanam vel tolerabilem vel reconciliabilem esse existimet, praecertim cum questio tantum sit de modo, atque proinde tota controversia hac de re inutilis et inanis sit.

(6) Lib. ii. c. 1. *He sheweth this by sundry authorities, especially by Causabone in these words*, Speciales tantum casus hic semper excipimus in quibus alteram speciem sufficere non admodum contentiose negamus. *And in these words of Vorstius*, Status questionis est an ordinarie in coetu fidelium, et ubi nullum est necessarium impedimentum utraque Sacramenti species omnibus communicandis administranda sit, speciales tamen casus hic semper excipimus in quibus alteram sufficere posse non contentiose negamus. *Ibid.* parag. 7. et 8. Legatur integer ille tractatus *Cassandri*, lectu enim dignissimus est, ubi docet, Quod aliquando in antiqua Ecclesia in altera tantum specie Eucharistia data sit sed tantum privatim et extra ordinem, et non nisi necessitate impellente. *Ibid.* de extraordinaria infirmorum, abstentiorum, infantium, peregrinorum. Domestica item et privata communione hic non loquitur.

(7) *Ibid.* l. ii. cap. 2. parag. In *Cassander his words*, Optimos quosque desiderio calicis teneri, sed plerosque expetendo non rectam rationem sequi, quod illum simpliciter a Christo praeciptum atque adeo necessarium existimant ut nullo tempore in altera specie verum Sacramentum corporis Domini praebere possent, quae persuasio illis facile et damnanda Ecclesiae Romanae, et ab ea deficiendi occasio cum praebet. *Ibid.* *Speaking of the popish custom in Vicellius his words*, parag. 8. Non impugnantes nec ullo modo contentendos, aut condemnandos, aut improbe ridentos, sed aequi bonique consulentes, et quidem ita tulerunt tempora novissima in bonam et meliorem partem interpretantes pro aliorum infirmitate, ignorantia et meticuloestate, aliqua sufficientes.

not be directed to the people for their instruction.⁽¹⁾ That if the words of the institution be only explained and applyed to the present purpose, as the fashion is in many Protestant Church, there is no Sacrament at all celebrate. Except the consecratory and mystick prayers, such are used in the old Missalls, be used upon the elements, for incalling of the Spirit of God to employ his omnipotency in making a conversion of them into Christs body and blood.⁽²⁾

For extenuating the controversie which wee have with the Papists about their Idolatrous processions, He learneth us to approve of the old custome of reserving the Sacrament in a repository, and carrying it through the streets to the sick, and to others who were not present at their publike celebration.⁽³⁾

The giving of the bread unbroken, the mixing of wine with water, the using of unleavened Wafers, and such like, seeme to him but small ceremonies not to be stood upon.⁽⁴⁾

Concerning the Adoration of the bread, the vilest Idolatry, that any Protestant layeth to the charge of the Church of *Rome*, He teacheth us, That we are injurious to challenge the Papists of Bread-worship, or of any Idolatry in the Sacrament.⁽⁵⁾ That it is lawfull to lift the hat to the Elements. That *Bellarmines* proposition attributing to the elements a religious worship of a lower degree, must be granted.⁽⁶⁾ That divine *Latria* is not any wayes given by the Papists to the Bread. That *Bellarmino* in the same respect making this kind of worship reflect upon the elements is singular, and his opinion is disclaimed by the rest.⁽⁷⁾ To give

(1) L. 2. cap. 2. parag. 1. Verba quibus conficitur Eucharistia debere esse vere consecratoria, non conditionalia tantum, i. e. non tantum dici debere ad populum instituendum, sed etiam imo potius ad Eucharistiam consecrandam fatentur omnes saniores Protestantes.

(2) *Ibid.* parag. 3. In Spalato his words, Aliae vero a *Cultrino* reformatae Ecclesiae si sola concione et ministris autoritate conficiunt Eucharistiam nullis specialibus adhibitis precibus sacramenti consecratoriis, ego plurimum suspicor eas veram Eucharistiam non habere neque video quam excusationem adferre possunt, cur antiquas aut non accipiant aut non imitentur, in partibus saltem essentialibus Liturgiis, et praesertim Ecclesiae Latinae antiquissimae. Item. parag. 1. Non solis illis verbis Christi consecrationem fieri existimant, sed etiam mystica prece qua spiritus sancti adventus imploratur qui elementa sanctificet.

(3) Lib. 2. c. ii. parag. 5. Negari non potest in veteri Ecclesia obtinuisse reservationem Eucharistiae privatim domi ab ipsis fidelibus, quod multa patrum loca clare evincunt; vide *Bellarminum*. Deinde etiam morem veterem fuisse ad Sacramentum a sacerdote in pasto-forio, vel pixide publice observaretur ob delationem ad absentes aut infirmos; Sed publica illa observatio et delatio ut non ubique, ita nec ab omnibus recepta fuit, atque ubi obtinuit pro more libero non necessario habebatur. Hic mos nequitiam damnari debuit.

(4) *Ibid.* parag. 6. Alias quaestiuiculas de pane fermentato et azymo, de vino aqua temperando in sacro calice, et de fractione panis omitto. Parum enim momenti in his situm est, neque ob hujusmodi minoris momenti lites Ecclesiae pax turbanda est.

(5) *Ibidem* parag. 10. Perperam arctolatreia Romanensibus a plerisque protestantibus objicitur, et illi Idolatriae crassissimae ab his insinuantur: Cum plerique Romanenses ut et alii fideles credant panem consecratum non esse amplius panem sed corpus Domini, unde illi panem non adorant, sed tantum ex suppositione licet falsa non tamen baeretica et cum fide directe pugnante; Christi corpus, quod vere adorandum est, adorant. Et parag. 11. Adorationem elementorum seu speciem negare Romanenses fateri Episcopus Rotensis. Et parag. 13. Respondeo, inquit Spalatensis, me nullum Idolatrium erimen in adoratione, si recte dirigatur intentio, agnoscerere. Qui enim docent panem non amplius esse panem, illi profecto panem non adorant, sed solum Christi corpus vere adorabile adorant ex suppositione licet falsa.

(6) *Ibid.* parag. 10. Quod ad primam assertionem Bellarmini attinet, de symbolis venerandis cultu quodam minori, admittimus.

(7) *Ibid.* parag. 23. Quod Spalatensis affirmat parum sibi constans, doctos plurimos in Ecclesia Romana nedum rudem plebem adorare, id quod vident seu si vis species panis: sententia ista pluribus doctioribus Romanensibus displicet, neque audent Bellarminus ipse, quem ibi oppugnat Spalatensis eam aperte defendere. And yet ere he close, he cometh up to the adoration of the Eucharist for the presence of Christ therein, as the Ark was adored of old, or the humanitie of Christ is adored now for the presence of the God therein, In these words, parag. 17. Duplex adratio definitur. Altera qua Deum ipsum prosequimur; Altera qua prae-

outward adoration in the Sacrament to Christs Body their most present, To adorne with our body the blessed Body of Christ, which we with our very body doe receive, is not only lawfull but necessary.⁽¹⁾ Who refuse this outward adoration, they misse all benefit of Christs death.⁽²⁾ That the question is rightly here stated by *Bellarmino*. Whether Christ in the Eucharist is to bee adored, which sober Protestants doe grant, but rigid ones by huge error deny, declaring by this deniall their misbelief of Christs presence there.⁽³⁾

This was the man who penned our *Perth* Article concerning geniculation, what hee intended to bring into our Kirke by this ceremony, it is apparant by these Doctrines.

Concerning the Sacrifice of the Masse, He honours the abominable Missall with the stile of the Liturgie of the Latine Church.⁽⁴⁾

Neither doth he refuse the name of the Masse itselfe, or the Sacrifice, or the Oblation : Yea, he is no better then *Pocklington*, who maketh *Andrew's* professe that nothing in the Sacrifice of the Masse doth displease him but Transubstantiation.⁽⁵⁾

Howsoever, he confesseth that there be nothing in Scripture proving *Melchizedeks* Oblation of Bread and Wine to God.⁽⁶⁾

Yet hee telleth us that the harmonious consent of the Fathers must here be embraced, who teach that *Melchizedek* in his feasting *Abraham*, did offer up to God a Sacrifice of Bread and Wine, and in this was a type of Christ in his last Supper.⁽⁷⁾

scripta signa et mysteria divina, juxta illud, Adorate scabellum pedum ejus; quod plerique de arca foederis intelligent, alii de humanitate Christi interpretantur. Aut si eandem ubique adorationem esse censent, poterimus dicere adorandam esse carnem Christi quavis creatura sit propter conjunctam divinitatem, adorandam Arcam foederis propter divinam Majestatis praesentiam, quia Deus ipse pollicetur esse se affuturum. Ad quem modum etiam Eucharistiam possumus adorare propter ineffabilem et invisibilem, ut ait Augustinus, Christi gratiam conjunctam, non venerantes id quod videtur et transit, sed quod creditur et intelligitur. Haec de adoratione.

(1) *Ibid.* par. 7. Quod ad adorationem hujus sacramenti attinet, cum qui digree sumit sacra symbola vere et realiter corpus et sanguinem Christi in se corporaliter modo tamen quodam spirituali et imperceptibili sumat, Omnis digne communicans adorare potest, et debet, corpus quod recipit.

(2) *Ibid.* par. 7. Nemo carnem Christi manducat, nisi prius adorerit.

(3) *Ibid.* par. 10. Status questionis non est nisi an Christus in Eucharistia sit adorandus, sed de hoc protestantes saniores non dubitant. *Ibid.* par. 8. Ioanis est rigidiorum protestantium error, qui negant Christum in Eucharistia adorandum nisi adoratione interea et mentali, non autem externo aliquo ritu adorativo ut geniculatione aut aliquo alio consimili corporis situ; hi fore omnes male de praesentia Christi in sacramento sentiant.

(4) L. iii. cap. 1. par. 8. In Liturgia autem Latinae Ecclesiae cum ante consecrationem dicant, suscipe sancte Pater.

(5) Lib. iii. cap. 1. par. 2, 3. A missae nomine non abhorrent Protestantes saniores; nam in rituali Ecclesiae Anglicanae legere est Christi Missam, Michaelis Missam: neque etiam a nomine oblationis, et sacrificii, et immolationis, abhorrent. Episcopus *Eliensis* contra *Bellarminum*, Vos tollite de Missa vestram transubstantionem, et non diu his erit de sacrificio.

(6) *Ibid.* par. 4. Panem et Vinum in Missa Deo offerri Scriptura clare et discrete non docet. Ex loco famoso Gen. 14. 18, *Melchizedek* obtulit Panem et Vinum, et erat Sacerdos Dei altissimi, fatetur ingenue *Cujetanus* in locum.

(7) *Ibid.* l. 3. par. 4. Sed Patres magno consensu, qui non est spernendus, affirmant *Melchizedek* Panem et Vinum non tantum protulisse et exhibuisse *Abrahamo* ad alendum exercitum, sed Deo primum quem praeclarissimae victoriae autorem agnoscebat usitato more obtulisse; ac proutde Christum ejus ille figura fuit in institutione Eucharistiae idem ejisse: testimonia Patrum cum Graecorum tum Latinorum magno studio colligit post alios *Bellarminus*: idcirco illis recensendis nos superscedimus.

That in the holy Communion the Bread is offered up in a true sacrifice to God.(1)

That Christs body also is there offered up in an unblondy Sacrifice.(2)

Yea in a propitiatory sacrifice.(3)

And that not only for the good of the soules both of the living and the dead : But also for the obtaining of peace, plenty, faire weather, and many other temporall blessings.(4)

That we wrong the Papists in challenging them for teaching the *Opus operatum* of the Masse to bee profitable.(5)

And yet he grants they teach the great good which floweth from the work it self in the midst of the wickednesse both of Priest and people.(6)

Finally, he would have us to believe that the worst of the popish opinions in these points are no Heresies nor impious errors contrary to faith.(7)

Lastly, Anent purgatory wee are taught That the popish errors here are not hereticall, not impious, not such for which any ought to be excluded from our communion.(8)

That after death there is a third temporall place for the receiving of these soules who have departed in some sinns, not fully forgiven, beside the two everlasting Mansions of extreame misery and supreme blessednesse.(9)

(1) *Ibid.* parag. 8. Dicimus licet ex Scriptura clare et dilucide evinci non possit Panem et Vinum in Missa offerri, Patres tamen passim hoc docere, ut constat ex *Iraenaeo*, et aliis fere innumeris. Negari non potest, quin Deo specialiter offeratur, imo ad hoc offeratur ut benedicatur et commendatur : fit igitur ibi quodam modo sacrificium panis, qui offertur Deo, et circa quem ex Christi instituto tot mystica verba dicuntur, et ritus sacri peraguntur ; ut recte *Cassianus* de sacrificio Missae. l. 1. cap. 20.

(2) *Ibidem*, Dicitur saepissime Patres in Eucharistia offerri et sacrificari ipsum Christi corpus ut ex innumeris fere locis constat. *Ibid.* parag. 18. In Barnesius *his words*, Recte tamen in Missa dicitur offerri et sacrificari et admittitur in hoc sensu sacrificium incurritur.

(3) Lib. 3. cap. 2. Missam non tantum esse sacrificium Eucharisticum sed etiam hilasticum seu propitiatorium sano sensu dici posse affirmant Romanenses moderatores.

(4) *Ibid.* parag. 6. Sacrificium hoc Coenae non solum propitiatorium esse ac pro peccatorum quae a nobis quotidie committuntur remissione offerri posse, modo praedicto, corpus Dominicum, sed etiam esse impetratorium omnis generis beneficiorum, ac pro his etiam rite offerri, licet Scripturae diserte et expresse non dicunt, Patres tamen unanimi consensu sic intellexerunt Scripturas, quemadmodum ab aliis fere demonstratum est ; et Liturgiae omnes veteres non semel inter offerendum praecipiant orandum pro pace, pro copia fructuum et pro aliis id genus temporalibus beneficiis ut nemini ignotum est.

(5) *Ibid.* parag. 8. Perperam scholasticis doctoribus aliisque Romanensibus affingitur, quasi docuerint, vel adhuc doceant opus sacerdotis in Missa valere coram Deo ex opere, sive bono motu utentis, hoc est, etiamsi nec sacerdos, nec populus suum opus, hoc est, veram fidem adjungant. *And in the same place* in *Cassander his words*, Vno ore, inquit, omnes hodie Ecclesiastici scriptores clamant falso Ecclesiam Romanam accusari, quod doceat missae actionem ex opere operato, hoc est, ex opere externo, quatenus id a sacerdote fit, mereri aliis remissionem peccatorum pro quibus applicatur.

(6) *Ibid.* Tantum docent sacramentum virtutem sanctificationis obtinere non ex opere operantis, i.e. dignitate et merito celebrantis ministri ; sed ex opere operato h. e. ordinatione ipsius Christi hanc sacram actionem instituentis. Sacrificium, inquit Bellarminus, simile est orationi quod attinet ad efficientiam : Oratio enim non solum prodest oranti, sed iis etiam pro quibus oratur.

(7) Lib. 3. cap. 2. parag. 1. Sententia quam multi hodie Romanenses teneant, utut falsa sit, haereseos tamen aut erroris impii eam fide pugnantis minime damanda est.

(8) De Purgatorio cap. ult. parag. 16. Ad controversiam hanc de Purgatorio tollendam aut saltem minuendam, protestantes quibus ista opinio imputatur, et quidem jure, tamen haereseos, aut impietatis apertae ne damnent. *Ibid.* parag. 12. in *Splato his words*, Sed neque Protestantes possunt tanquam haereticos damnare, et a communione sua, quantum in ipsis est, repellere Pontificios, licet purgatorium et indulgentias moribus retineant, in his proculdubio errant, sed non contra fidem, excessus hic non defectus ; neque per hos falsos articulos ulli vero articulo sit injuria.

(9) *Ibid.* c. 3. parag. 9. Citant contra purgatorium plerique omnes Protestantes atque etiam nonnulli mo-

That these sins are remitted by the meanes of the prayers of the living for the dead, both private and publicke, especially these which are said in the Liturgie at the Altar in the communion. That such prayers and almesdeeds of the living are profitable to relieve the dead from some sinnes, and some degree of miserie.(1)

That such prayers, though not enjoined by Scripture, yet according to Apostolike tradition by *Christians* in all times and in all places used, are not to be neglected, for they are truly profitable for the departed souls.(2)

That it was the part of *Aerius* his heresy to deny the profitable use of these prayers for the dead.(3)

That the Church of *England* was inconsiderate to scrape out these prayers for the Dead from King *Edwards* first Liturgie by the advice of *Bucer*.(4)

deratiores *Romanenses*, locum ex auctore Hypognoticon; sed locus ille ad rem parum videtur facere; loquitur enim auctor ille de locis æternis (ut vere *Romanenses*) qui, omnibus vere catholicis confitentibus, duo tantum sunt coelum scilicet, et gehenna. Similiter intelligendus est locus ille, (Nullus relictus est locus medius, ut possit esse nisi cum diabolo qui non est cum Christo): non hic negari simpliciter certum locum temporaneum post hanc vitam, constare potest, non tantum quod ante Christi passionem animas fidelium veteris Testamenti in sinu *Abrahæ*, i.e. in loco a gehenna distinctissimo et remotissimo, atque etiam extra sanctuarium coeli existimaverit auctor; sed etiam quod, cum plurimis patrum aliis, in secretis receptaculis quietem animarum iustorum post excessum suum collocaverit. *Ibid.* par. 10. *Augustinus* secutus plurimorum patrum sententiam, animas iustorum usque ad diem resurrectionis corporum in sinu *Abrahæ*, vel in quibusdam additis et secretis receptaculis extra coelum beatorum requiescere, affirmat; aut certe de loco ambigit. *Ibidem*, par. 19. *Thomas Bilsonus* ostendit ex Scripturis, ex patribus, ex *Caleini* locis, iustorum animas ante diem iudicii in supernum coelum, ubi Christus ad dextram patris sedet, non admitti neque plena gloria et beatitudine frui, non solum non extensive, ut volunt *Romanenses*, sed neque intensive. *Ibid.* c. i. par. 20. Concesso quod multi patres et viri quidam hujus sæculi doctissimi et moderatissimi ut probabile adducunt, fideles aliquos posse et saltem ex hac vita decedere cum peccato aliquo, vel etiam aliquibus levioribus hic non remissis, sed in vita futura post mortem intercessionem Ecclesiæ remittendis; moriuntur nihilominus in Domino et in gratia Christi, statimque a morte ad quietem et requiem coelestem abeunt, majorem interim latitudinis gradum in die visionis Dei claræ et plenæ ardoribus votis expectantes, et cum plena fiducia, ut plurimum expectantes.

1) Cap. iii. par. 23. Peccata etiam quaedam leviora in hac vita quod culpam et poenam forte non remissa, post mortem remitti, per intercessionem Ecclesiæ in precibus publicis, ac praesertim illis quæ fiunt in tremendorum mysteriorum celebratione, et per orationes factas ac oblationes pro elemosinas pro illis datas a privatis, censuerunt plurimi patrum; quibus suffragantur etiam multa Concilia. vetustissima Ecclesiæ consuetudo, nemini tenere spernenda aut rejicienda, nisi Scripturis aperte adversetur, quod hac in re difficilimum est demonstratum. Communis protestantium responsio minime satisfacit plerisque patrum locis, ut cuius ea vel leviter inspicieret perspicuum est. Multo magis ingenuè Graeci, manifestum, aliunt, cuius est remissionem peccatorum nonnullis vita functis concedi: quoniam vero modo an per punitionem, et quidem illam per ignem, etc. *And in Spalato his words.* par. 26. Non esset absurdum fateri peccata leviora si quæ in hac vita quod culpam remissa non sunt, post mortem remitti, idque paulo post obitum, dum placet et religiosæ executionis Ecclesiasticæ peraguntur, virtute Ecclesiasticæ intercessionis in precibus publicis ac praesertim illis quæ fiunt in sacrae Liturgiæ celebratione.

2) Cap. ult. par. 16. Mos orandi et offerendi pro defunctis antiquissimus, et in universa Christi Ecclesia ab ipsis fide Apostolorum temporibus receptissimus, ne amplius a Protestantibus, ut illicitus vel inutilis rejiciatur: reverentur veteris Ecclesiæ iudicium, et perpetua toti sæculorum serie confirmatam praxin agnoscunt et religiose definie hunc ritum, licet non ut absolute necessarium, seu lege divina imperatum, ut licentiam tamen atque etiam utilem, semperque universæ Ecclesiæ probatum, cum publice tum privatim usurpent, ut urbi Christiano pax tantopere omnibus viris doctis et probis exoptata tandem redeat. *Ibid.* c. iii. par. 26. *In Spalato his words.* Haec quæ dixi de remissione culpæ alieque venialis post mortem, per Ecclesiæ intercessionem, admitti possunt, et sua non carent probabilitate, ut sic Ecclesiæ preces pro defunctis utiles esse et non otiosas asseramus, quatenus ex Apostolica institutione mos ille Ecclesiæ orandi pro defunctis, ut fatetur *Chrysostomus*, et valde probabile videtur, promanasse dicitur. *Ibid.* par. 27. Ecclesiæ autem universa hunc ritum non solum licitum, sed etiam defunctis aliqua ratione utilem esse credit, et religiosissime, ut si non ab Apostolis, saltem a Patribus antiquis traditum semper observavit, quod ex innumeris Patrum locis patet. Concedatur hunc morem licitum atque etiam utilem placet vetustati sempervisum, et universalissime in Ecclesiæ semper receptum.

(3) *Ibid.* c. iii. par. 12. Dogma adversarium Aerii, orationes et oblationes pro defunctis damnantis, fuisse lanatum, ex *Epiphania* et *Augustino* cui non constat.

(4) *Ibid.* par. 13. In sepultura mortuorum sic orabatur, Praesta huic famulo tuo, ut peccata quæ in hoc mundo commisit non imputentur ei, sed ut superatis portis mortis, et æternæ caliginis, semper in regione

That the Church of *England* would doe well to restore, with many other things which they want. This must prove an ancient practice of praying for the Dead.(1)

That King *James*, by the important clamours of the Puritans, was unhappily marred in his designe to restore this and other such things.(2)

That an expiatory purgatory may well be granted, wherein the sins of the Dead may be gotten remitted by the prayers of the living; Albeit a punitive purgatory, purging away sins by a fiery paine must be denied.(3)

lucis inhabitet. Hasce preces antiquissimas et piissimas, *Buceri* aliorumque monita, Praesules Ecclesiae *Anglicanae* expunxere; aut in aliam, nescio quam formam, hodiernam novitatem redolentem, convertere.

(1) *Ibid.* parag 14. Sed ntinau Ecclesia *Anglicana*, quae singularem certe alioqui meretur laudem, ob magnam multis in aliis rebus, et si non forte paris momenti, moderationem adhibitam, universalis Ecclesiae antiquissimae consuetudini hoc in negotio, et in aliis nonnullis, sese potius conformasset, quam ob errores et abusus, qui paulatim postea irrepserant, ingenti aliorum Christianorum scandalo, simpliciter rejecisset et penitus sustulisset.

(2) *Ibid.* Sereniss. et nunquam satis laudatus Princeps *Jacobus sextus*, cum nihil haberet prius et antiquius pacis et concordiae inter Christianas Ecclesias procurandae studio, nunquam tamen per perniciose et rixosa multorum theologastrorum ingenia id consequi, aut effectum dare potuit, quod maxime voluit.

(3) *Ibid.* Sententiae vero communi Graecorum atque etiam quorundam veterum doctorum in Ecclesia Latina de Purgatorio expiatorio (quod solum Purgatorii nomen proprie loquendo meretur) in quo sine poenis gebennalibus, animae sanctorum quorum quasi media quaedam conditio est, in coelis quidem, sed in coelorum loco Deo noto, magis magisque ad diem visionis Dei clare, fruentes conspectu et consortio humanitatis Christi et sanctorum Angelorum, periciant se in Dei charitate per feruida et morosa suspiria, ut supra dictum est, nentri pertinaciter oblectentur. sua enim, atque ea non exigua, probabilitate minime destituit.

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